

HOUSE JOURNAL

EIGHTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FOURTH DAY — SUNDAY, MAY 28, 2017

The house met at 2:04 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1959).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

The speaker recognized Representative Moody who offered the invocation.

The speaker recognized Representative Roberts who led the house in the pledges of allegiance to the United States and Texas flags.

(Roberts in the chair)

HR 2597 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2597**, suspending the limitations on the conferees for **SB 1462**.

HR 2605 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2605**, suspending the limitations on the conferees for **SB 1913**.

HR 2606 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2606**, suspending the limitations on the conferees for **SB 2244**.

HR 2609 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2609**, suspending the limitations on the conferees for **SB 968**.

HR 2610 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2610**, suspending the limitations on the conferees for **HB 555**.

HR 2614 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2614**, suspending the limitations on the conferees for **SB 1731**.

HR 2616 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2616**, suspending the limitations on the conferees for **SB 2065**.

HR 2618 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2618**, suspending the limitations on the conferees for **HB 2445**.

HR 2619 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2619**, suspending the limitations on the conferees for **SB 2014**.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 2611 - ADOPTED

(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 2611**.

The motion prevailed.

The following resolution was laid before the house:

HR 2611, In memory of Alvin Clement Michalik of Rhineland.

HR 2611 was read and was unanimously adopted by a rising vote.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2611** as signers thereof.

HR 2608 - ADOPTED
(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 2608**.

The motion prevailed.

The following resolution was laid before the house:

HR 2608, In memory of Ronald Richard Butts of Lubbock.

HR 2608 was read and was unanimously adopted by a rising vote.

On motion of Representative Geren, the names of all the members of the house were added to **HR 2608** as signers thereof.

HR 2615 - ADOPTED
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 2615**.

The motion prevailed.

The following resolution was laid before the house:

HR 2615, Congratulating Josey Mitchell on her selection as the 2016-2017 Teacher of the Year at Coronado High School in El Paso.

HR 2615 was adopted.

RESOLUTIONS ADOPTED

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2357 (by Schofield), Congratulating Shannon Dresser of Katy on being crowned Miss Texas United States 2017.

HR 2358 (by Herrero), Congratulating Alyssa Lynn Olivarez, valedictorian of the Class of 2017 at Robstown Early College High School.

HR 2359 (by Herrero), Congratulating Mathew Hernandez, salutatorian of the Class of 2017 at Robstown Early College High School.

HR 2360 (by Herrero), Commemorating the establishment of the Del Mar College Center for Mexican-American Studies.

HR 2362 (by Cain), Honoring the La Porte Lions Club on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2363 (by Moody), Commending Miguel Escoto for his service as a legislative intern in the office of State Representative Joe Moody.

HR 2364 (by K. King), Congratulating the boys' track team of Valley High School in Turkey, Texas, on winning the 2017 UIL 1A state championship.

HR 2365 (by Moody), Commending Cara Campos for her service as a legislative intern in the office of State Representative Joe Moody.

HR 2367 (by Moody), Commending Emily Bresnahan for her service as a legislative aide in the office of State Representative Joe Moody and as an assistant clerk for the House Committee on Criminal Jurisprudence.

HR 2368 (by Frullo), Congratulating Dr. Mike Bennett on his retirement as headmaster of All Saints Episcopal School in Lubbock.

HR 2369 (by Moody), Commending Jori Reilly-Diakun for his service as a legal analyst and assistant clerk in the office of State Representative Joe Moody.

HR 2370 (by Moody), Commending Liliana Jayme for her service as a legislative intern in the office of State Representative Joe Moody.

HR 2372 (by Moody), Congratulating Jim and Joan McLaughlin of El Paso on their 65th wedding anniversary.

HR 2374 (by Kacal), Congratulating the Texas A&M University Corps of Cadets Marksmanship Unit on its success at the 2017 Scholastic Action Shooting Program national collegiate championship.

HR 2375 (by Turner), Commending Hira Saleem on her service as a legislative aide in the office of State Representative Chris Turner.

HR 2376 (by E. Rodriguez), Commending Brian Pounds for his service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2377 (by E. Rodriguez), Commending Bailey Schumm on her service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2378 (by E. Rodriguez), Commending Carlos Dinkel for his service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2379 (by E. Rodriguez), Commending James Moore for his service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2380 (by E. Rodriguez), Commending Genesis Murcia for her service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2381 (by E. Rodriguez), Commending Jovahana Avila for her service as a legislative aide in the office of State Representative Eddie Rodriguez.

HR 2382 (by Herrero), Congratulating Caitlin Delaney Mitten, salutatorian of the Class of 2017 at Mary Carroll High School.

HR 2383 (by Herrero), Congratulating Adam Armendariz, valedictorian of the Class of 2017 at Mary Carroll High School.

HR 2384 (by Dean), Commending the House Business Office staff for its work during the 85th Legislative Session.

HR 2385 (by Oliverson), Recognizing the staff of the Texas Legislative Council.

HR 2386 (by Schubert), Commending the officers and staff of Region VII of the Texas Department of Public Safety for their work in protecting the Capitol Complex in Austin.

HR 2391 (by Schubert), Commending the Office of the House Sergeant-at-Arms for its work during the 85th Legislative Session.

HR 2392 (by Springer), Congratulating Jake Merrell of Valley High School in Turkey, Texas, on winning three gold medals at the 2017 UIL Track & Field State Meet.

HR 2393 (by Springer), Congratulating the boys' 4x200-meter relay team from Valley High School in Turkey, Texas, on winning the Class 1A state championship at the 2017 UIL Track & Field State Meet.

HR 2394 (by Springer), Congratulating Luvly Williams of Shamrock High School on winning the Class 1A girls' 100-meter dash at the 2017 UIL Track & Field State Meet.

HR 2395 (by Springer), Congratulating Chase Thompson of Rule High School on winning gold medals in the boys' 100-meter and 400-meter dash events at the 2017 UIL Track & Field State Meet.

HR 2396 (by Springer), Congratulating Landon Roberts of Guthrie High School on winning the gold medal in the 1A boys' pole vault event at the 2017 UIL Track & Field State Meet.

HR 2397 (by Springer), Congratulating Josh Wallace of Lindsay High School on winning the gold medal in the 2A boys' 300-meter hurdle event at the 2017 UIL Track & Field State Meet.

HR 2398 (by Isaac), Congratulating Carrie Isaac of Dripping Springs on graduating with a master's degree in health education from Kaplan University.

HR 2400 (by Vo), Commending the Chief Clerk's Office for its service during the 85th Legislative Session.

HR 2401 (by Howard), Honoring Ellen Fontana for her service as Capitol nurse practitioner.

HR 2402 (by Bernal), Recognizing the Legislative Budget Board for its work during the 85th Legislative Session.

HR 2405 (by Martinez and Guillen), Honoring Trinidad Martinez of San Antonio, one of the last living survivors of the Bataan Death March.

HR 2407 (by Huberty), Commending Jack Reed for his service as a clerk to the House Committee on Public Education.

HR 2408 (by Huberty), Commending Cody Wood for his service as an assistant committee clerk for the House Public Education Committee during the 85th Legislative Session.

HR 2410 (by R. Anderson), Congratulating Edna Joan Clark Miller of Arlington on her 80th birthday and on her retirement.

HR 2411 (by Herrero), Congratulating Natalie Murphy of Del Mar College on earning recognition at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2412 (by Herrero), Congratulating Emily Jasso of Del Mar College on earning recognition at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2413 (by White), Congratulating the members of the Prairie View A&M band who have been selected to perform with the 369th Experience World War I Centennial Band.

HR 2414 (by Herrero), Congratulating Scott Beckett on the success of his students at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2415 (by Herrero), Congratulating Josselyn Obregon on earning recognition at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2416 (by White), Congratulating Jeff Edward Frazier Sr. on the success of his Michael's Sermon series of novels.

HR 2417 (by Herrero), Congratulating Meagan Falcon on earning recognition at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2418 (by Herrero), Congratulating Michelle Mirelez on earning recognition at the Texas Intercollegiate Press Association 2017 spring convention.

HR 2419 (by White), Commending John Daniel Hagan for his service as a legislative aide in the office of State Representative James White.

HR 2420 (by White), Commending Natalie Renee Smith for her service as constituent services coordinator in the office of State Representative James White.

HR 2421 (by White), Commending Jake Breault for his service as legislative director in the office of State Representative James White.

HR 2422 (by White), Commending Kari Pennington for her service as a policy analyst in the office of State Representative James White.

HR 2423 (by White), Commending Janis Reinken for her service as chief clerk and general counsel of the House Corrections Committee.

HR 2424 (by White), Commending Saul Mendoza for his service as chief of staff in the office of State Representative James White.

HR 2426 (by White), Congratulating athletes from House District 19 who competed at the 2017 UIL Track & Field State Meet.

HR 2427 (by Schofield), Congratulating Chuck Brawner on his election as mayor of Katy.

HR 2429 (by Cain), Honoring the Baytown Lions Club on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2430 (by Lozano), Commending the Taft Independent School District on its partnership with Code to the Future.

HR 2431 (by Kacal), Commending Cassidy Story for her service as a legislative aide in the office of State Representative Kyle Kacal.

HR 2432 (by Turner), Commending Ian Slingsby for his service as a legislative intern in the office of State Representative Chris Turner.

HR 2438 (by Schofield), Congratulating Sibyl Westenhaver on her selection as the 2017 Senior of the Year by the City of Katy.

HR 2439 (by Cain), Honoring the Crosby Lions Club on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2440 (by Turner), Commending Haley Entrop for her service as a legislative intern in the office of State Representative Chris Turner.

HR 2441 (by Turner), Commending Cheryl Hankamer for her service as a legislative aide in the office of State Representative Chris Turner.

HR 2442 (by Wray and Bohac), Honoring Travis Miller Griffin Sr., chief of staff for Representative Dwayne Bohac, for two decades of public service and political engagement.

HR 2443 (by Y. Davis), Congratulating the Reverend Keith W. Foster Sr. on his installation as pastor of Providence Baptist Church in Fort Worth.

HR 2444 (by González), Congratulating the members of the Americas High School Libertas Academy Class of 2017 on their graduation.

HR 2445 (by González), Honoring Sandra Elisa Licon for her service on the board of the San Elizario ISD.

HR 2446 (by González), Congratulating Sylvia Hopp on her retirement as superintendent of the San Elizario Independent School District.

HR 2447 (by González), Congratulating Lizbeth Ramirez of El Paso on her graduation from the Americas High School Libertas Academy.

HR 2448 (by González), Congratulating Alondra Esparza of El Paso on her graduation from the Americas High School Libertas Academy.

HR 2449 (by González), Congratulating Ricardo Bueno on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2450 (by González), Congratulating Sarah Carrillo on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2451 (by González), Congratulating Lorenzo Rodriguez III on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2452 (by González), Congratulating Justen Nava on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2453 (by González), Congratulating Sebastian Tellez on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2454 (by González), Congratulating Kyle Donnelly on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2455 (by González), Congratulating Savannah Araujo on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2456 (by González), Congratulating Sidney Mhlanga on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2457 (by González), Congratulating Elijah Escamilla on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2458 (by González), Congratulating Jaiden Alvarado on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2459 (by González), Congratulating Juan Antonio Hernandez on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2460 (by González), Congratulating Guadalupe Sanchez on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2461 (by González), Congratulating Jonathan Perez on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2462 (by González), Congratulating Matthew Garcia on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2463 (by González), Congratulating Jesus Vasquez on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2464 (by González), Congratulating Genesis Holguin on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2465 (by González), Congratulating Omar Robert Sanchez Jr. on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2466 (by González), Congratulating Alexander Miranda on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2467 (by González), Congratulating Helue Flores on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2468 (by González), Congratulating Savannah Gonzalez on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2469 (by González), Congratulating Victoria Calderon on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2470 (by González), Congratulating Alexandra Esther Herrera on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2471 (by González), Congratulating Samantha Morales on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2472 (by González), Congratulating Adilene Villarreal on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2473 (by González), Congratulating Cassandra Allen on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2474 (by González), Congratulating Matthew Prospero on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2475 (by González), Congratulating James Girvin on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2476 (by González), Congratulating Samantha Muñoz on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2477 (by González), Congratulating Julissa Mitchell on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2478 (by González), Congratulating Rudy Alexander Zavala on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2479 (by González), Congratulating Arleen Rubio on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2480 (by González), Congratulating Cassandra R. Terrazas on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2481 (by González), Congratulating Imani Pepen on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2482 (by González), Congratulating Jacqueline Jimenez on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2483 (by González), Congratulating Brittany Anders on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2484 (by González), Congratulating Jacob Anguiano on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2485 (by González), Congratulating Rudy Hernandez on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2486 (by González), Congratulating Lizbeth Tamara Rayas on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2487 (by González), Congratulating Maribel Yanez on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2488 (by González), Congratulating Jose Villalobos on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2489 (by González), Congratulating Krystopher Vargas on his graduation from the Americas High School Libertas Academy in El Paso.

HR 2490 (by González), Congratulating Summer Diaz on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2491 (by González), Congratulating Kimberly Zubiato on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2492 (by González), Congratulating Lisette Gonzalez on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2493 (by González), Congratulating Jillian Hodges on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2494 (by González), Congratulating Yzabelle Chacon on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2495 (by González), Congratulating Hayley Wilson on her graduation from the Americas High School Libertas Academy in El Paso.

HR 2497 (by González), Commending Kate Girvin of the Americas High School Libertas Academy in El Paso for her many accomplishments.

HR 2498 (by VanDeaver), Commending the members of the House Committee Coordinator's Office for their work during the 85th Legislative Session.

HR 2500 (by Herrero), Congratulating Saherish Surani, valedictorian of the Class of 2017 at Veterans Memorial High School.

HR 2502 (by Herrero), Congratulating Reuben Lewis, salutatorian of the Class of 2017 at Veterans Memorial High School.

HR 2503 (by Lucio), Commemorating the 30th anniversary of Gonzalez Elementary School in Brownsville.

HR 2506 (by R. Anderson), Congratulating Byron and Madison Smith of Huntington on the birth of their son, Hudson Andrew Smith.

HR 2508 (by Schofield), Congratulating Hannah Hirst of Katy on her acceptance to the United States Military Academy at West Point.

HR 2509 (by Herrero), Congratulating Karley J. Hendricks, valedictorian of the Class of 2017 at Agua Dulce High School.

HR 2510 (by Herrero), Congratulating Elissa D. Hadnot, salutatorian of the Class of 2017 at Agua Dulce High School.

HR 2512 (by Dutton), Congratulating Shirlane Wilkerson on her retirement from the U.S. Social Security Administration.

HR 2513 (by Lucio), Congratulating Elva Morato on her retirement from the Brownsville Independent School District.

HR 2514 (by Herrero), Congratulating Tamira Jackson, valedictorian of the Class of 2017 at Roy Miller High School.

HR 2515 (by Herrero), Congratulating Jamie Solis, salutatorian of the Class of 2017 at Roy Miller High School.

HR 2516 (by Burrows), Honoring the Commission on State Emergency Communications and the regional planning commissions of Texas for 30 years of service.

HR 2525 (by E. Johnson), Expressing support for the selection of Dallas as host of the 2036 Texas Bicentennial Exposition.

HR 2532 (by Gooden), Congratulating Jacob Ian Snyder of Mabank High School on winning the 2017 UIL 4A Lincoln-Douglas Debate state championship.

HR 2533 (by Craddick), Congratulating Ed and Susan Auler of Austin on their 50th wedding anniversary.

HR 2535 (by Frullo), Congratulating the Texas Tech University baseball team on winning the 2017 Big 12 Conference regular season championship.

HR 2536 (by White), Congratulating Deacon E. Generes DuFour on his retirement as director of the Criminal Justice Office of the Catholic Diocese of Austin.

HR 2537 (by Dean), Commending the House Business Office staff for its work during the 85th Legislative Session.

HR 2538 (by Sanford), Honoring Derek V. Baker of McKinney for his community engagement and his service to the Collin County Conservative Republicans.

HR 2540 (by Neave), Honoring Dallas firefighter/paramedic William An for his courage and heroism in the line of duty.

HR 2541 (by Neave), Commending the House Parliamentarian's Office for its work during the 85th Legislative Session.

HR 2542 (by Neave), Honoring Sergeant Robert Wayne Watson of the Dallas Police Department for saving the life of a fellow first responder during an active-shooter incident.

HR 2543 (by Hefner), Honoring Zachary Cousin of Winnsboro for helping to rescue his family after a serious vehicle accident.

HR 2545 (by Y. Davis), Congratulating Rear Admiral TeCora Ballom on her appointment as a U.S. assistant surgeon general.

HR 2547 (by Frullo, Burrows, Darby, Craddick, and Murr), Commending the participants in the Texas Tech University Legislative Internship Program.

HR 2549 (by Herrero), Congratulating Michael Glennon Rock, valedictorian of the Class of 2017 at Incarnate Word Academy High School.

HR 2550 (by Herrero), Congratulating Sheridan Ashlynn Steen, salutatorian of the Class of 2017 at Incarnate Word Academy High School.

HR 2551 (by Herrero), Congratulating the Tuloso-Midway High School academic decathlon team on its success during the 2016-2017 season.

HR 2554 (by Paddie), Congratulating the Avenger High School boys' basketball team on winning the 2016 UIL Class 1A state championship.

HR 2555 (by Paddie), Congratulating the Waskom High School football team on winning the 2015 UIL 3A Division 2 state championship.

HR 2556 (by Paddie), Congratulating the Hallsville High School drill team on winning the grand championship title at the 2016 Showtime National Drill Team Contest.

HR 2557 (by Paddie), Congratulating Portia King on receiving a Community Builder Award from Masonic Lodge No. 856 in Joaquin.

HR 2559 (by Herrero), Congratulating Jordan Moeller, valedictorian of the Class of 2017 at W. B. Ray High School.

HR 2560 (by Herrero), Congratulating Katie Lynn Gasiorowski, salutatorian of the Class of 2017 at W. B. Ray High School.

HR 2561 (by Herrero), Congratulating Justin Zavala, valedictorian of the Class of 2017 at Dr. M. L. Garza-Gonzalez Charter School.

HR 2562 (by Herrero), Congratulating Laura Palomo, salutatorian of the Class of 2017 at Dr. M. L. Garza-Gonzalez Charter School.

HR 2563 (by Herrero), Congratulating Amanda Jean Vodicka, valedictorian of the Class of 2017 at Harold T. Branch Academy for Career and Technical Education.

HR 2564 (by Herrero), Congratulating Janelle Sosa, salutatorian of the Class of 2017 at Harold T. Branch Academy for Career and Technical Education.

HR 2565 (by Herrero), Congratulating Lesly Carreon, valedictorian of the Class of 2017 at West Oso High School.

HR 2566 (by Herrero), Congratulating Mario Ramirez Jr., salutatorian of the Class of 2017 at West Oso High School.

HR 2567 (by Price), Commemorating Texas Independence Day 2018.

HR 2568 (by Price), Commemorating Easter 2018.

HR 2569 (by Price), Recognizing May 3, 2018, as National Day of Prayer in Texas.

HR 2570 (by Price), Commemorating Mother's Day 2018.

HR 2572 (by Hunter), Congratulating Felix Longoria Jr. of Corpus Christi on his 96th birthday.

HR 2574 (by Price), Commemorating Flag Day 2018.

HR 2575 (by Price), Commemorating the Fourth of July, 2018.

HR 2576 (by Price), Commemorating Patriot Day, September 11, 2017.

HR 2577 (by Price), Commemorating Patriot Day, September 11, 2018.

HR 2578 (by Price), Recognizing September 17, 2018, as Constitution Day.

HR 2579 (by Price), Commemorating Gold Star Mother's Day 2018.

HR 2580 (by Price), Commemorating Memorial Day 2018.

HR 2581 (by E. Rodriguez), Recognizing February 4 through 10, 2018, as Texas Affordable Housing Week.

HR 2582 (by Price), Commemorating Veterans Day 2018.

HR 2584 (by Price), Recognizing May 19, 2018, as Armed Forces Day.

HR 2586 (by Price), Commemorating Thanksgiving 2018.

HR 2587 (by Price), Commemorating Christmas 2018.

HR 2588 (by Klick), Commending former state representative Bill G. Carter for his 65 years of service to State Farm Insurance.

HR 2589 (by Price), Congratulating Jerry Birdsong on his retirement as superintendent of Stratford Independent School District.

HR 2590 (by Herrero), Congratulating Julieta Brusco of Incarnate Word Academy in Corpus Christi on winning the grand national championship title for first grade in the 2017 Zaner-Bloser National Handwriting Contest.

HR 2592 (by Guillen), Congratulating the Pleasanton Express on its outstanding showing in the 2017 South Texas Press Association Better Newspaper Contest.

HR 2594 (by Villalba), Commending Farish Mozley for her service as communications director in the office of State Representative Jason Villalba.

HR 2595 (by Villalba), Commending McKenna Skeeters for her service as a legislative assistant in the office of State Representative Jason Villalba.

HR 2596 (by Villalba), Commending Ben Utley for his work as legislative director in the office of State Representative Jason Villalba.

HR 2599 (by Hinojosa), Commending the staff of the State Preservation Board for their service.

HR 2600 (by Raney), Commending the House Journal Clerk's Office for its service during the 85th Legislative Session.

HR 2602 (by Bell), Honoring A. J. Foyt on his career in motorsports.

HR 2603 (by Wu), Commending Pat Menville for her service as president of the Sharpstown Civic Association.

HR 2604 (by Wu), Commending Charmaine LeBlanc for her service as vice president of the Sharpstown Civic Association.

HR 2620 (by Uresti), Commending Frank Ramirez Jr. of San Antonio for his service to his state and nation.

The resolutions were adopted.

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2366 (by Lucio), In memory of Natalie Cowen Gonzalez of Sugar Land.

HR 2389 (by R. Anderson), In memory of Janeera Gonzalez of Irving.

HR 2406 (by Tinderholt), In memory of Clayton David Winkles of Arlington.

HR 2428 (by Frullo), In memory of Betty Lynn Pittman Hobgood.

HR 2433 (by Guerra), In memory of Edmon Grant "Sandy" Hall.

HR 2499 (by Cyrier), In memory of Peggy Butler Duda of Lockhart.

HR 2501 (by Herrero), In memory of William Howard "Bill" Kennedy of Woodsboro.

HR 2504 (by Wray), In memory of David Earl LaRue of Midlothian.

HR 2505 (by Wray), In memory of Eddie Bob Vantrese of Waxahachie.

HR 2507 (by S. Thompson), In memory of Lisa Rachelle Freeman Anderson of San Marcos.

HR 2511 (by Lucio), In memory of fallen Texas DPS Trooper David Irvine Rucker.

HR 2517 (by Fallon), In memory of Henry "Tim" Fenderbosch Jr.

HR 2518 (by Fallon), In memory of Jeffery S. McComb.

HR 2519 (by Fallon), In memory of Richard George "Dick" Fettig.

HR 2520 (by Fallon), In memory of Alvan Richard Sandoval of The Colony.

HR 2521 (by Burrows), In memory of former Texas Tech University assistant football coach Bob Patterson.

HR 2522 (by Burrows), In memory of native Texan Powers Boothe.

HR 2523 (by Burrows), In memory of Charley James Wasson of Lubbock.

HR 2524 (by Burrows), In memory of Shaelynn Welch of Lubbock.

HR 2526 (by Wilson), In memory of Henry Albert Phillips Jr.

HR 2529 (by E. Johnson), In memory of Ofilia Barrera Dominguez of Edroy.

HR 2530 (by R. Anderson), In memory of Cynthia Kay DeBord Waters of Grand Prairie.

HR 2531 (by Gooden and Hefner), In memory of James Clayton Young of Alba.

HR 2539 (by Gooden), In memory of James Dwight Barkham Jr. of Forney.

HR 2548 (by T. King), In memory of Loren Rodney Overbo.

HR 2553 (by Paddie), In memory of Monte Moore of Lamesa.

HR 2558 (by Paddie), In memory of Frank Lower of Marshall.

HR 2571 (by Hunter), In memory of Bruce Livingston Collins Jr. of Corpus Christi.

HR 2591 (by Guillen), In memory of Martha S. Gonzalez of Premont.

HR 2593 (by Guillen), In memory of Rubin S. Leal of Poteet.

The resolutions were unanimously adopted by a rising vote.

HR 2546 - ADOPTED

(by Hinojosa)

Representative Hinojosa moved to suspend all necessary rules to take up and consider at this time **HR 2546**.

The motion prevailed.

The following resolution was laid before the house:

HR 2546, Commending the Honorable Elliott Naishtat for his service as a member of the Texas House of Representatives.

HR 2546 was read and was adopted.

On motion of Representative Bernal, the names of all the members of the house were added to **HR 2546** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Hinojosa who introduced the Honorable Elliott Naishtat.

HR 2496 - ADOPTED

(by Leach)

Representative Leach moved to suspend all necessary rules to take up and consider at this time **HR 2496**.

The motion prevailed.

The following resolution was laid before the house:

HR 2496, Honoring the Morgan Foundation for its work to improve research on eating disorders.

HR 2496 was read and was adopted.

On motion of Representative Meyer, the names of all the members of the house were added to **HR 2496** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Leach who introduced representatives of the Morgan Foundation.

HR 2601 - ADOPTED

(by Metcalf)

Representative Metcalf moved to suspend all necessary rules to take up and consider at this time **HR 2601**.

The motion prevailed.

The following resolution was laid before the house:

HR 2601, Congratulating Benjamin Daniel Shackelford and Annie Avary on their wedding.

HR 2601 was adopted.

HR 2534 - ADOPTED
(by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HR 2534**.

The motion prevailed.

The following resolution was laid before the house:

HR 2534, Commending Rod Welsh for his service with the Office of the House Sergeant-at-Arms.

HR 2534 was read and was adopted.

On motion of Representative D. Bonnen, the names of all the members of the house were added to **HR 2534** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Craddick who introduced Rod Welsh and members of his family.

HR 639 - PREVIOUSLY ADOPTED
(by Bohac)

The chair laid out and had read the following previously adopted resolution:

HR 639, In memory of Robert K. Murphy of Houston.

On motion of Representatives Huberty and Elkins, the names of all the members of the house were added to **HR 639** as signers thereof.

(Speaker in the chair)

SB 578 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Gutierrez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 578**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 578**: Gutierrez, chair; J. Rodriguez, Blanco, Burkett, and Elkins.

HR 2573 - ADOPTED
(by Geren)

The following privileged resolution was laid before the house:

HR 2573

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the

conference committee appointed to resolve the differences on **SB 533** (state agency contracting and procurement) to consider and take action on the following matter:

House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting SECTION 13(a)(2) of the senate engrossment of **SB 533** and the corresponding section of the bill as the bill was amended by the house, proposing transition language requiring the comptroller to modify the contract management guide as required by Section 2262.051(i), Government Code, as that section is purportedly added by **SB 533**.

Explanation: The omission of text is necessary to remove from transition language in the bill a reference to a duty imposed on the comptroller under Section 2262.051(i), Government Code, that is not included in either the house or senate version of the bill.

HR 2573 was adopted by (Record 1960): 147 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain.

Present, not voting — Mr. Speaker(C).

Absent — Tinderholt.

SB 533 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Geren submitted the conference committee report on **SB 533**.

Representative Geren moved to adopt the conference committee report on **SB 533**.

The motion to adopt the conference committee report on **SB 533** prevailed by (Record 1961): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker(C).

Absent — Farrar; Gutierrez; Lang.

HR 2622 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2622**, suspending the limitations on the conferees for **HB 4345**.

HR 2628 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2628**, suspending the limitations on the conferees for **SB 1148**.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

SB 277 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the conference committee report on **SB 277**.

Representative Frank moved to adopt the conference committee report on **SB 277**.

The motion to adopt the conference committee report on **SB 277** prevailed by (Record 1962): 97 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Coleman; Collier; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Flynn; Frank; Geren;

Gervin-Hawkins; Goldman; Gonzales; Gooden; Gutierrez; Hefner; Hernandez; Herrero; Holland; Huberty; Hunter; Isaac; Israel; Johnson, J.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Lang; Laubenberg; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller; Moody; Morrison; Murr; Neave; Nevárez; Oliverson; Parker; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Sanford; Schaefer; Schubert; Sheffield; Simmons; Springer; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Turner; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Ashby; Burrows; Cain; Clardy; Cortez; Davis, Y.; Deshotel; Fallon; Frullo; Giddings; González; Guerra; Guillen; Hinojosa; Howard; Johnson, E.; Kacal; Keough; King, K.; King, T.; Landgraf; Larson; Leach; Martinez; Minjarez; Murphy; Oliveira; Ortega; Paddie; Paul; Perez; Phelan; Reynolds; Romero; Rose; Schofield; Shaheen; Smithee; Stickland; Thierry; Thompson, S.; Uresti; Wray; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Bonnen, D.; Dukes; Farrar; Muñoz; Shine.

STATEMENTS OF VOTE

When Record No. 1962 was taken, I was in the house but away from my desk. I would have voted no.

D. Bonnen

When Record No. 1962 was taken, I was shown voting yes. I intended to vote no.

Lang

When Record No. 1962 was taken, I was shown voting no. I intended to vote yes.

Martinez

When Record No. 1962 was taken, I was shown voting yes. I intended to vote no.

Metcalf

When Record No. 1962 was taken, my vote failed to register. I would have voted yes.

Muñoz

When Record No. 1962 was taken, I was shown voting no. I intended to vote yes.

Shaheen

When Record No. 1962 was taken, my vote failed to register. I would have voted yes.

Shine

When Record No. 1962 was taken, I was shown voting yes. I intended to vote no.

E. Thompson

SB 5 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on **SB 5**.

SB 5 - REMARKS

REPRESENTATIVE P. KING: I'm going to move in a second to adopt the conference committee report. I'd be happy to go over some of the amendments that were made to **SB 5** if anybody would like. I see Mr. Turner back there. Let me walk through them. There were seven amendments that were placed on **SB 5**, the voter ID bill, in the house. Of those, the house did very well in the conference committee, and the house retained four-and-a-half of the seven amendments. I'll walk through those very quickly.

Mr. Goldman had added an amendment that allowed us to use passport cards in addition to passports. That was retained. Representative Giddings had an amendment that extended the use of expired IDs from two years to four years. That was retained by the house. Representative Lucio had an amendment that raised the penalty for an election official who unlawfully permits an ineligible voter to vote. His amendment raised that from a Class B misdemeanor to a Class A misdemeanor. That house amendment was also retained. Representative Chris Turner had an amendment that added language that an election officer may not refuse to accept documentation presented solely because the address on the documentation does not match the address on the list of registered voters. That amendment by Representative Turner was also retained. Representative Moody had an amendment. The original bill as it came out of the senate and was brought to the floor of the house had a penalty for intentionally making a false statement on the reasonable impediment declaration. The senate bill had it as a third degree felony; the house lowered it to a Class A. We met in the middle and made it a state jail felony.

There are two amendments that were not retained which were house amendments. One was by Representative Justin Rodriguez, and it required some reporting by the secretary of state on the vendors that were employed to do voter education programs. The concern of proprietary vendor information was raised by the secretary of state's office. Apparently there were some serious unintended consequences. I will tell you, though, that that information is available to you privately as a legislator even though it cannot publicly be obtained by a Freedom of Information Act open records request. The last amendment was an amendment by Representative Lina Ortega, and it was aimed at a report making citizens aware of the mobile voting locations and some other things dealing with identification certificates. Unfortunately, that came back with a fiscal note of like \$4 million, so it was not retained. I'll be happy to answer any questions.

REPRESENTATIVE MOODY: I thank you for reviewing those piece by piece. I want to highlight the piece regarding the amendment that you accepted that I offered when we had this bill on the floor, where the senate version had it at a

third degree felony and we took it to a Class A misdemeanor. You said that the conference committee report splits the difference and moves it to a state jail felony?

P. KING: That's correct.

MOODY: Okay, and I discussed this with you a little bit yesterday, and it was part of the conversation the other day, too, in that, is it your understanding that even if we had left it at a Class A misdemeanor, that someone could have been prosecuted under the tampering with governmental record provision which is itself a state jail felony?

P. KING: Right, and that was one of the reasons for not objecting to it being moved to a state jail. Frankly, a prosecutor could do that anyway. Although, I thought with the Class A it was accepted, and I thought it was a good amendment.

MOODY: So in fact, you possibly would have had different prosecutors handle that different ways, yet the impediment prosecution would have been a Class A. You would have had the tampering, which is already on the books as a state jail, and that conduct would have applied, too. And so does that create some uniformity here for this type of conduct?

P. KING: You know, actually, I hadn't thought of that until you just said that, but you could have actually had prosecutors in different jurisdictions prosecuting people for the same offense, in effect, with a different penalty.

MOODY: I appreciate you working with us on that. I don't know if that's still the right level that it should be at, but I think given the conversation, I think the ability of someone to be prosecuted under tampering with governmental record—it may be as best to at least have a uniform place to start at and then we'll go from there.

REPRESENTATIVE J. RODRIGUEZ: Chairman King, I know we had a discussion off the record the other day. I had an amendment that you accepted—and I appreciate you working with me on that—that had to do with transparency. To refresh your recollection, it was an amendment that the secretary of state would have to divulge how they spent public money on voter education outreach. And I understand that was stripped from the bill. Is that correct?

P. KING: Regrettably, it was, yes.

J. RODRIGUEZ: Can you tell me a little bit about the discussion on why that was stripped? Because that one was not the one with the fiscal note. So again, the attempt was to try and bring some kind of transparency—public disclosure to how we in this body and different agencies utilize taxpayer money. So can you tell me why that may have been disregarded in the ultimate bill?

P. KING: I think the intent of your amendment was very reasonable and a good idea, and that's why I accepted it. The issues it ran into I think dealt with their contracting with these third party vendors to carry out those functions. It would have required release of what's classified as proprietary contract information. I think, you know, we've had a lot of issues going back and forth or bills going

back and forth dealing with state contracts and what can be revealed and all that. It's a little bit muddy right now. So I think that was part of the issue. What I was encouraged to find out was that that same information is available to any legislator upon request to the secretary of state's office. Now granted, you have to sign a nondisclosure agreement, which is a little bit frustrating, but you can still get that information, digest it yourself, and then in whatever ways the disclosure agreement allows you to, use that for research or other purposes for future legislation.

J. RODRIGUEZ: Okay, and again, I'm not necessarily calling you out on this, because you did try to work with me. And you accepted—I had an original amendment that had a laundry list, and we worked together to kind of refine that, and you accepted that. Would you agree, though, that there's still a concern? And maybe not just with respect to this particular issue but I think in general with respect to making sure folks who are taxpayers in this state know how their money's being spent, and that was the heart of the amendment. Would you agree with that?

P. KING: And I understand. The general rule is everything in government ought to be very, very transparent unless there is a compelling and legal reason for it to be otherwise. I think that in this case there's some contract issues which probably need to be worked out a little bit with regard to what is proprietary information and what is not, but the secretary of state's office was very firm of the opinion that there was some proprietary information in there that they would not be able to release without not being able to contract.

J. RODRIGUEZ: And I guess my concern would be that, you know, there may be other agencies who would make that same objection, right? I mean, as a state, different agencies contract with private vendors all the time, and if anyone objected to their information being proprietary, then there would be no public disclosure. And I would say, you know, that would do the public interest no good. Would you not agree?

P. KING: I ran into that same issue in a very frustrating manner with one of our state universities last session in trying to get some information of a vendor they contracted with, and I ended up having to go through a very long nondisclosure process to get that information. And then I wasn't able to release it. I finally had to pass legislation to deal with that going forward. And so sometimes we have to kind of come back and deal with that at a future date. So I understand your concerns, but I also understood the secretary of state's kind of box they were in, and so that is what led to ultimately striking the amendment.

J. RODRIGUEZ: Well, again, I appreciate you trying to work with us. My concern is, again, basically handing over a blank check to the secretary of state's office or any agency for that matter. I know it's a limited amount of dollars, but in a sense it's giving them a check and saying in the memo line to the public, it's none of your business.

P. KING: And I really appreciated you working with me on trying to refine your amendment to where we thought it would work.

J. RODRIGUEZ: Well, anyway, I know we agreed to a certain degree, Chairman King. I'm sorry it didn't get in the final report, but I appreciate you trying for me. Thank you.

REPRESENTATIVE ORTEGA: First, let me say thank you for accepting my amendment, because I thought it was an amendment that we really needed to push and adopt in the State of Texas. I appreciated it when you did that. I think that you probably agree, and the reason that you accepted it is because Texas has a dismal record when it comes to voting. I think that it's important for our state instead of being at the bottom to be at the top when it comes to our voting record. Would you agree with me on that?

P. KING: Absolutely, that should be our goal.

ORTEGA: And even though it was not accepted, I hope that we all work together to improve our voting record and improve what is taking place in our state, because part of my amendment was really focused on educating—with the new law if it comes into effect—educating the voters of the changes. And it's something that we really need to do regardless of whether or not it is in the law. And I hope that you support that and that you push that effort when this new law goes into effect.

P. KING: I certainly agreed with your intent, and I'm sorry we got caught up in a fiscal note.

REPRESENTATIVE CANALES: I was listening to the exchange, and I think the body was as well, that Representatives Rodriguez's transparency amendment is getting stripped from the bill. Is that correct?

P. KING: Yes.

CANALES: I was looking at the conferees, and I didn't see Senator Schwertner's name as a conferee, but it's my understanding that he was instrumental in having that stripped as well. Are you advised?

P. KING: I truly am not advised on that.

SB 5 - POINTS OF ORDER

Representatives Turner and Walle raised points of order against further consideration of **SB 5** under Rule 13, Section 9 and Rule 13, Section 11(a) of the House Rules on the grounds that text of the bill that was not in disagreement between the two houses was changed and the conference committee report is inaccurate.

The speaker overruled the point of order and submitted the following statement:

Rule 13, Section 9 (in relevant part) of the House Rules states "A conference committee shall have no authority with respect to any bill . . . to add text on any matter not in disagreement." Representative Turner argues that the conference committee report adds text to the caption of **SB 5** when the caption of the bill was not in disagreement between the two chambers. The proponents acknowledged,

however, that the text of the house and senate bills relating to criminal penalties were different and the text of the conference committee adjusted those differences.

Rule 13, Section 11(a) of the House Rules states "all reports of conference committees shall include an analysis showing wherein the report differs from the house and senate versions of the bill, resolution, or other matter in disagreement." Similar to Representative Turner's point of order, Representative Walle argues that the conference committee report adds text to the caption of **SB 5** when the caption was not in disagreement between the two chambers. Specifically, Representative Walle argues that the side-by-side analysis for the conference committee report fails to note the caption change that is made to the bill, because the content of the conference committee version of the bill differs from the house and senate versions, the analysis should have correctly noted the distinction. The argument ignores the interconnection between the text of the bill and the caption (the purpose of which is to provide notice of the text). Assuming the house and senate versions of the bill shared an identical caption "relating to Longhorns and Aggies" but in the conference committee within the rules deleted all references to Longhorns. The caption, which is not text of the bill, would necessarily need to be changed. Taking the argument further, a house bill that was submitted in senate committee would bear two different identifiers "H.B." and "C.S.H.B."; under the proponents theory, this also would be "text in disagreement" and would require separate column acknowledgement. In this case, the technical changes in the body of the bill were accurately reflected in the report. The point of order is overruled.

Representative P. King moved to adopt the conference committee report on **SB 5**.

The motion to adopt the conference committee report on **SB 5** prevailed by (Record 1963): 92 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Cain; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria;

Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Lozano.

STATEMENTS OF VOTE

When Record No. 1963 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1963 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

REMARKS ORDERED PRINTED

Representative Turner moved to print all remarks on **SB 5**.

The motion prevailed.

SB 30 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 30**.

Representative S. Thompson moved to adopt the conference committee report on **SB 30**.

The motion to adopt the conference committee report on **SB 30** prevailed by (Record 1964): 129 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Bonnen, G.; Burrows; Cain; Fallon; Goldman; Hefner; Lang; Leach; Phillips; Rinaldi; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Keough.

STATEMENTS OF VOTE

When Record No. 1964 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 1964 was taken, I was shown voting yes. I intended to vote no.

Faircloth

When Record No. 1964 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 1964 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 1964 was taken, I was shown voting yes. I intended to vote no.

Murr

HB 2994 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Ashby submitted the following conference committee report on **HB 2994**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2994** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Kolkhorst
Seliger
L. Taylor

On the part of the senate

Ashby
Howard
Phelan
J. Rodriguez
On the part of the house

HB 2994, A bill to be entitled An Act relating to workforce continuing education offered by public junior colleges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. WORKFORCE CONTINUING EDUCATION

Sec. 130.301. DEFINITIONS. In this subchapter:

(1) "Adult" means a person who:

(A) has completed the person's sophomore year of high school;

(B) is 17 years of age and has been awarded a high school diploma or its equivalent; or

(C) is 18 years of age or older, regardless of the person's previous educational experience.

(2) "Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course.

(3) "Coordinating board" means the Texas Higher Education Coordinating Board.

(4) "Workforce continuing education" means a program of instruction that:

(A) is designed primarily for adults; and

(B) is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession.

(5) "Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the coordinating board. The term does not include an avocational course.

Sec. 130.302. FORMULA FUNDING FOR WORKFORCE CONTINUING EDUCATION COURSES. Notwithstanding Section 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Sections 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Section 130.304.

Sec. 130.303. WORKFORCE CONTINUING EDUCATION FOR HIGH SCHOOL STUDENTS. (a) A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:

(1) is enrolled in high school on the completion of the person's sophomore year;

(2) is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or

(3) is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

(b) This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Sec. 130.304. WAIVER OF TUITION AND FEES FOR WORKFORCE CONTINUING EDUCATION COURSES. A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

(1) the student:

(A) is enrolled in high school or in a school described by Section 130.303(a)(2);

(B) is 16 years of age or older, has had the disabilities of minority removed, and is not enrolled in secondary education; or

(C) is under the age of 18 and is incarcerated;

(2) all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(3) the course is taught in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Sec. 130.305. RULES. The coordinating board shall adopt any rules the coordinating board considers necessary for the administration of this subchapter. In adopting those rules, the coordinating board shall use the negotiated rulemaking procedures under Chapter 2008, Government Code.

SECTION 2. This Act takes effect September 1, 2017.

Representative Ashby moved to adopt the conference committee report on **HB 2994**.

The motion to adopt the conference committee report on **HB 2994** prevailed by (Record 1965): 146 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts;

Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Thompson, S.

HR 2605 - ADOPTED
(by S. Thompson)

The following privileged resolution was laid before the house:

HR 2605

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1913** (the administrative, civil, and criminal consequences, including fines, fees, and costs, imposed on persons arrested for, charged with, or convicted of certain criminal offenses) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to amend and omit text not in disagreement in SECTION 5 of the bill, in added Articles 43.05(a-1) and (a-2), Code of Criminal Procedure, to read as follows:

(a-1) A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing on the defendant's ability to satisfy the judgment and:

(1) the defendant fails to appear at the hearing; or

(2) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-2) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this code.

Explanation: This change is necessary to clarify the circumstances in which a court may issue or shall recall a capias pro fine.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 7 of the bill, in amended Article 43.091, Code of Criminal Procedure, to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A court may waive payment of all or part of a fine or costs [~~cost~~] imposed on a defendant [~~who defaults in payment~~] if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

Explanation: This change is necessary to remove unnecessary and duplicative language.

(3) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to amend and omit text not in disagreement in SECTION 8 of the bill, in added Article 45.014(e), Code of Criminal Procedure, to read as follows:

(e) A justice or judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless:

(1) the justice or judge provides by telephone or regular mail to the defendant notice that includes:

(A) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge;

(B) the name and address of the court with jurisdiction in the case;

(C) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; and

(D) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and

(2) the defendant fails to appear before the justice or judge as required by this article.

Explanation: This change is necessary to clarify and simplify the limitation on a justice or judge's authority to issue an arrest warrant for a defendant's failure to appear.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in SECTION 9 of the bill, in added Article 45.016(b), Code of Criminal Procedure, to read as follows:

(b) The justice or judge may not, either instead of or in addition to the personal bond, require a defendant to give a bail bond unless:

(1) the defendant fails to appear in accordance with this code with respect to the applicable offense; and

(2) the justice or judge determines that:

(A) the defendant has sufficient resources or income to give a bail bond; and

(B) a bail bond is necessary to secure the defendant's appearance in accordance with this code.

Explanation: This change is necessary to clarify the circumstances in which a justice or judge may require a defendant to give a bail bond in a criminal case based on an offense punishable by fine only.

(5) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to amend and omit text not in disagreement in SECTION 12 of the bill, in added Articles 45.045(a-2) and (a-3), Code of Criminal Procedure, to read as follows:

(a-2) The court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing on the defendant's ability to satisfy the judgment and:

(1) the defendant fails to appear at the hearing; or

(2) based on evidence presented at the hearing, the court determines that the capias pro fine should be issued.

(a-3) The court shall recall a capias pro fine if, before the capias pro fine is executed:

(1) the defendant voluntarily appears to resolve the amount owed; and

(2) the amount owed is resolved in any manner authorized by this chapter.

Explanation: This change is necessary to clarify the circumstances in which a court may issue or shall recall a capias pro fine.

(6) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 16 of the bill, in amended Article 45.0491(a), Code of Criminal Procedure, to read as follows:

(a) A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of all or part of a fine or costs imposed on a defendant [who defaults in payment] if the court determines that:

(1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or costs or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine or [and] costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

Explanation: This change is necessary to remove unnecessary and duplicative language.

(7) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter which is not in disagreement by adding SECTIONS 20 and 21 to the bill, amending Articles 45.051(a) and 45.0511(t), Code of Criminal Procedure, to read as follows:

SECTION 20. Article 45.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. In issuing the order of deferral, the judge may impose a special expense fee on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The special expense fee may be collected at any time before the date on which the period of probation ends. The judge may elect not to impose the special expense fee for good cause

shown by the defendant. If the judge orders the collection of a special expense fee, the judge shall require that the amount of the special expense fee be credited toward the payment of the amount of the fine imposed by the judge. An order of deferral under this subsection terminates any liability under a [~~bail bond or an appearance~~] bond given for the charge.

SECTION 21. Article 45.0511(t), Code of Criminal Procedure, is amended to read as follows:

(t) An order of deferral under Subsection (c) terminates any liability under a [~~bail bond or appearance~~] bond given for the charge.

Explanation: The addition of text is a technical change necessary to conform to the changes made in SECTION 9 of the bill, in added Article 45.016(b), Code of Criminal Procedure.

(8) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in SECTION 31 of the bill, in the transition language, to read as follows:

SECTION 31. The changes in law made by this Act to Articles 45.016, 45.051, and 45.0511, Code of Criminal Procedure, apply only to a bond executed on or after the effective date of this Act. A bond executed before the effective date of this Act is governed by the law in effect when the bond was executed, and the former law is continued in effect for that purpose.

Explanation: This change is necessary to properly implement the addition of SECTIONS 20 and 21 to the bill.

HR 2605 was adopted by (Record 1966): 90 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; King, K.; King, P.; King, T.; Kuempel; Lambert; Longoria; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Shine; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wray; Wu; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Capriglione; Cospier; Craddick; Cyrier; Dean; Faircloth; Fallon; Goldman; Hefner; Holland; Huberty; Kacal; Keough; Klick; Koop; Krause; Landgraf; Lang; Larson; Leach; Lozano; Metcalf; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stephenson; Stickland; Swanson; Thompson, E.; Tinderholt; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Laubenberg; Wilson.

STATEMENTS OF VOTE

When Record No. 1966 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 1966 was taken, I was shown voting yes. I intended to vote no.

Villalba

SB 1913 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 1913**.

Representative S. Thompson moved to adopt the conference committee report on **SB 1913**.

The motion to adopt the conference committee report on **SB 1913** prevailed by (Record 1967): 77 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Bernal; Blanco; Canales; Coleman; Collier; Cook; Cortez; Dale; Davis, S.; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; King, K.; King, T.; Longoria; Lozano; Lucio; Martinez; Meyer; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Shine; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wu; Zerwas.

Nays — Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospere; Craddick; Cyrier; Darby; Dean; Faircloth; Fallon; Goldman; Hefner; Holland; Kacal; Keough; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Miller; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Wilson; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Walle.

STATEMENTS OF VOTE

When Record No. 1967 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 1967 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 1967 was taken, I was shown voting yes. I intended to vote no.

Villalba

SB 1831 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Capriglione submitted the conference committee report on **SB 1831**.

Representative Capriglione moved to adopt the conference committee report on **SB 1831**.

The motion to adopt the conference committee report on **SB 1831** prevailed by (Record 1968): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Anderson, C.; Dukes; Gutierrez.

STATEMENT OF VOTE

When Record No. 1968 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

**HR 2597 - ADOPTED
(by Lucio)**

The following privileged resolution was laid before the house:

HR 2597

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1462** (the creation and operation of certain local health care provider participation programs) to consider and take action on the following matter: House Rule 13, Section 9(a)(4), is suspended to permit the

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following SECTIONS to the bill:

SECTION 28. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298B to read as follows:

CHAPTER 298B. TARRANT COUNTY HOSPITAL DISTRICT HEALTH CARE PROVIDER PARTICIPATION PROGRAM
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 298B.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of hospital managers of the district.
- (2) "District" means the Tarrant County Hospital District.
- (3) "Institutional health care provider" means a nonpublic hospital located in the district that provides inpatient hospital services.
- (4) "Paying provider" means an institutional health care provider required to make a mandatory payment under this chapter.
- (5) "Program" means the health care provider participation program authorized by this chapter.

Sec. 298B.002. APPLICABILITY. This chapter applies only to the Tarrant County Hospital District.

Sec. 298B.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board may authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board, subject to the provisions of this chapter.

Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Subject to Sections 298B.153(d) and 298B.154, the authority of the district to administer and operate a program under this chapter expires December 31, 2019.

(b) Subsection (a) does not affect the authority of the district to require and collect a mandatory payment under Section 298B.154 after December 31, 2019, if necessary.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 298B.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board may require a mandatory payment authorized under this chapter by an institutional health care provider in the district only in the manner provided by this chapter.

Sec. 298B.052. RULES AND PROCEDURES. The board may adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures, audits, and any other administrative aspects of the program.

Sec. 298B.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 298B.101. HEARING. (a) In each year that the board authorizes a program under this chapter, the board shall hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the board shall publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each institutional health care provider in the district.

Sec. 298B.102. DEPOSITORY. (a) If the board requires a mandatory payment authorized under this chapter, the board shall designate one or more banks as a depository for the district's local provider participation fund.

(b) All funds collected under this chapter shall be secured in the manner provided for securing other district funds.

Sec. 298B.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) If the district requires a mandatory payment authorized under this chapter, the district shall create a local provider participation fund.

(b) The local provider participation fund consists of:

(1) all revenue received by the district attributable to mandatory payments authorized under this chapter;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer under the program, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund of the district may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide the nonfederal share of Medicaid payments for:

(A) uncompensated care payments to nonpublic hospitals affiliated with the district, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(B) uniform rate enhancements for nonpublic hospitals in the Medicaid managed care service area in which the district is located;

(C) payments available under another waiver program authorizing payments that are substantially similar to Medicaid payments to nonpublic hospitals described by Paragraph (A) or (B); or

(D) any reimbursement to nonpublic hospitals for which federal matching funds are available;

(2) subject to Section 298B.151(d), pay the administrative expenses of the district in administering the program, including collateralization of deposits;

(3) refund a mandatory payment collected in error from a paying provider;

(4) refund to paying providers a proportionate share of the money that the district:

(A) receives from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments; or

(B) determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments;

(5) transfer funds to the Health and Human Services Commission if the district is legally required to transfer the funds to address a disallowance of federal matching funds with respect to programs for which the district made intergovernmental transfers described by Subdivision (1); and

(6) reimburse the district if the district is required by the rules governing the uniform rate enhancement program described by Subdivision (1)(B) to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund is not sufficient to fund that rate enhancement program.

(d) Money in the local provider participation fund may not be commingled with other district funds.

(e) Notwithstanding any other provision of this chapter, with respect to an intergovernmental transfer of funds described by Subsection (c)(1) made by the district, any funds received by the state, district, or other entity as a result of that transfer may not be used by the state, district, or any other entity to:

(1) expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152); or

(2) fund the nonfederal share of payments to nonpublic hospitals available through the Medicaid disproportionate share hospital program or the delivery system reform incentive payment program.

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298B.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a) Except as provided by Subsection (e), if the board authorizes a health care provider participation program under this chapter, the board may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the district. The board may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional

health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the most recent fiscal year for which that data was reported. If the institutional health care provider did not report any data under those sections, the provider's net patient revenue is the amount of that revenue as contained in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. If the mandatory payment is required, the district shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying provider in the district as permitted under federal law. A health care provider participation program authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) If the board requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

(d) Subject to Subsection (c), if the board requires a mandatory payment authorized under this chapter, the board shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the district for activities under this chapter and to fund an intergovernmental transfer described by Section 298B.103(c)(1). The annual amount of revenue from mandatory payments that shall be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

(e) A paying provider may not add a mandatory payment required under this section as a surcharge to a patient.

(f) A mandatory payment assessed under this chapter is not a tax for hospital purposes for purposes of Section 4, Article IX, Texas Constitution, or Section 281.045.

Sec. 298B.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) The district may designate an official of the district or contract with another person to assess and collect the mandatory payments authorized under this chapter.

(b) The person charged by the district with the assessment and collection of mandatory payments shall charge and deduct from the mandatory payments collected for the district a collection fee in an amount not to exceed the person's usual and customary charges for like services.

(c) If the person charged with the assessment and collection of mandatory payments is an official of the district, any revenue from a collection fee charged under Subsection (b) shall be deposited in the district general fund and, if appropriate, shall be reported as fees of the district.

Sec. 298B.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize the district to establish a program to enable the district to collect mandatory payments from institutional health care providers to fund the nonfederal share of a Medicaid supplemental payment program or the Medicaid managed care rate enhancements for nonpublic hospitals to support the provision of health care by institutional health care providers to district residents in need of health care.

(b) This chapter does not authorize the district to collect mandatory payments for the purpose of raising general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for nonpublic hospitals and to cover the administrative expenses of the district associated with activities under this chapter.

(c) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the board may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services. A rule adopted under this section may not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider in the district beyond the provisions of this chapter. This section does not require the board to adopt a rule.

(d) The district may only assess and collect a mandatory payment authorized under this chapter if a waiver program, uniform rate enhancement, or reimbursement described by Section 298B.103(c)(1) is available to the district.

Sec. 298B.154. FEDERAL DISALLOWANCE. Notwithstanding any other provision of this chapter, if the Centers for Medicare and Medicaid Services issues a disallowance of federal matching funds for a purpose for which intergovernmental transfers described by Section 298B.103(c)(1) were made and the Health and Human Services Commission demands repayment from the district of federal funds paid to the district for that purpose, the district may require and collect mandatory payments from each paying provider that received those federal funds in an amount sufficient to satisfy the repayment demand made by the commission. The percentage limitation prescribed by Section 298B.151(c) does not apply to a mandatory payment required under this section.

SECTION 29. As soon as practicable after the expiration of the authority of the Tarrant County Hospital District to administer and operate a health care provider participation program under Chapter 298B, Health and Safety Code, as added by this Act, the board of hospital managers of the Tarrant County Hospital District shall transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district under Section 298B.103, Health and Safety Code, as added by this Act.

SECTION 30. If before implementing any provision of Chapter 298B, Health and Safety Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of

that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Explanation: The added language is necessary to allow the Tarrant County Hospital District to create and operate a health care provider participation program in Tarrant County.

HR 2597 was adopted by (Record 1969): 138 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Cain; Lang; Rinaldi; Schaefer; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Elkins; Murphy; Uresti.

STATEMENTS OF VOTE

When Record No. 1969 was taken, I was in the house but away from my desk. I would have voted yes.

Murphy

When Record No. 1969 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

SB 1462 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lucio submitted the conference committee report on **SB 1462**.

Representative Lucio moved to adopt the conference committee report on **SB 1462**.

The motion to adopt the conference committee report on **SB 1462** prevailed by (Record 1970): 134 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Burrows; Cain; Lang; Leach; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Swanson; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Gutierrez; Krause.

STATEMENT OF VOTE

When Record No. 1970 was taken, my vote failed to register. I would have voted no.

Krause

SB 1172 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Geren submitted the conference committee report on **SB 1172**.

Representative Geren moved to adopt the conference committee report on **SB 1172**.

The motion to adopt the conference committee report on **SB 1172** prevailed by (Record 1971): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert;

Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Burrows; Dukes; Schofield; White.

STATEMENT OF VOTE

When Record No. 1971 was taken, I was in the house but away from my desk. I would have voted yes.

White

HB 501 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Capriglione submitted the following conference committee report on **HB 501**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 501** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

V. Taylor
Birdwell
Bettencourt
Lucio
Hughes

On the part of the senate

Capriglione
Clardy
S. Davis
Moody
Phillips

On the part of the house

HB 501, A bill to be entitled An Act relating to personal financial statements filed by public officers and candidates, including the disclosure of certain contracts, agreements, services, and compensation in and the amendment of those statements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 572.023, Government Code, is amended by amending Subsection (b) and adding Subsections (e), (f), and (g) to read as follows:

(b) The account of financial activity consists of:

(1) a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee;

(2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(3) a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

(4) identification of each source and the category of the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents;

(5) identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of \$1,000 existed at any time during the year and the category of the amount of the liability;

(6) identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;

(7) identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except:

(A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573;

(B) a political contribution that was reported as required by Chapter 254, Election Code; and

(C) an expenditure required to be reported by a person required to be registered under Chapter 305;

(8) identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of \$500;

(9) identification:

(A) by description of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which five percent or more of the outstanding ownership was held, acquired, or sold; and

(B) by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold;

(10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;

(11) identification of any person providing transportation, meals, or lodging expenses permitted under Section 36.07(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;

(12) any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter 305 have an interest;

(13) identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale; ~~and~~

(14) identification of each blind trust that complies with Subsection (c), including:

(A) the category of the fair market value of the trust;

(B) the date the trust was created;

(C) the name and address of the trustee; and

(D) a statement signed by the trustee, under penalty of perjury,

stating that:

(i) the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and

(ii) to the best of the trustee's knowledge, the trust complies with this section;

(15) if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds \$10,000 in the year covered by the report, identification of each written contract, including the name of each party to the contract:

(A) for the sale of goods or services in the amount of \$2,500 or more;

(B) to which the individual, the individual's spouse, the individual's dependent child, or any business entity of which the individual, the individual's spouse, or the individual's dependent child, independently or in conjunction with one or more persons described by this subsection, has at least a 50 percent ownership interest is a party; and

(C) with:

(i) a governmental entity; or

(ii) a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee; and

(16) if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section 1201.002(1), identification of the following for each issuance for which the individual served as bond counsel:

(A) the amount of the issuance;

(B) the name of the issuer;

(C) the date of the issuance;

(D) the amount of fees paid to the individual, and whether the

amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(E) the amount of fees paid to the individual's firm, if applicable,

and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more.

(e) In this section, "governmental entity" means this state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.

(f) Subsection (b)(15) does not require the disclosure of an employment contract between a school district or open-enrollment charter school and an employee of the district or school.

(g) An individual who complies with any applicable requirements of Sections 51.954 and 51.955, Education Code, and Section 2252.908 of this code, in an individual capacity or as a member or employee of an entity to which those sections apply, is not required to include in the account of financial activity the information described by Subsection (b)(15) unless specifically requested by the commission to include the information.

SECTION 2. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0295 to read as follows:

Sec. 572.0295. AMENDMENT OF FINANCIAL STATEMENT. (a) A person who files a financial statement under this chapter may amend the person's statement.

(b) A financial statement that is amended is considered to have been filed on the date on which the original statement was filed if:

(1) the amendment is made on or before the 14th day after the date the person filing the statement learns of an error or omission in the original statement;

(2) the original financial statement was made in good faith and without an intent to mislead or to misrepresent the information contained in the statement;
and

(3) the person filing the amendment accompanies the amendment with a declaration that:

(A) the person became aware of the error or omission in the original statement during the preceding 14 days; and

(B) the original statement was made in good faith and without intent to mislead or to misrepresent the information contained in the statement.

SECTION 3. The changes in law made by this Act to Subchapter B, Chapter 572, Government Code, apply only to a financial statement filed under Subchapter B, Chapter 572, Government Code, as amended by this Act, on or after January 8, 2019. A financial statement filed before January 8, 2019, is governed by the law in effect on the date of filing, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 8, 2019.

Representative Capriglione moved to adopt the conference committee report on **HB 501**.

The motion to adopt the conference committee report on **HB 501** prevailed by (Record 1972): 148 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Canales.

Present, not voting — Mr. Speaker(C).

STATEMENT OF VOTE

When Record No. 1972 was taken, I was shown voting no. I intended to vote yes.

Canales

HB 810 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Parker submitted the following conference committee report on **HB 810**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 810** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Menéndez
Perry
Schwertner
V. Taylor
Bettencourt

Springer
Geren
Coleman
Zerwas
Parker

On the part of the senate

On the part of the house

HB 810, A bill to be entitled An Act relating to the provision of certain investigational stem cell treatments to patients with certain severe chronic diseases or terminal illnesses and regulating the possession, use, and transfer of adult stem cells; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Charlie's Law.

SECTION 2. Chapter 1003, Health and Safety Code, is amended by designating Sections 1003.001, 1003.002, and 1003.003 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. Chapter 1003, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PROVISION OF INVESTIGATIONAL STEM CELL TREATMENTS TO PATIENTS WITH CERTAIN SEVERE CHRONIC DISEASES OR TERMINAL ILLNESSES

Sec. 1003.051. DEFINITIONS. In this subchapter:

(1) "Investigational stem cell treatment" means an adult stem cell treatment that:

(A) is under investigation in a clinical trial and being administered to human participants in that trial; and

(B) has not yet been approved for general use by the United States Food and Drug Administration.

(2) "Severe chronic disease" means a condition, injury, or illness that:

(A) may be treated;

(B) is never cured or eliminated; and

(C) entails significant functional impairment or severe pain.

(3) "Terminal illness" means an advanced stage of a disease with an unfavorable prognosis that, without life-sustaining procedures, will soon result in death or a state of permanent unconsciousness from which recovery is unlikely.

Sec. 1003.052. RULES. The executive commissioner shall adopt rules designating the medical conditions that constitute a severe chronic disease or terminal illness for purposes of this subchapter.

Sec. 1003.053. PATIENT ELIGIBILITY. A patient is eligible to access and use an investigational stem cell treatment under this subchapter if:

(1) the patient has a severe chronic disease or terminal illness listed in the rules adopted under Section 1003.052 and attested to by the patient's treating physician; and

(2) the patient's physician:

(A) in consultation with the patient, has considered all other treatment options currently approved by the United States Food and Drug Administration and determined that those treatment options are unavailable or unlikely to alleviate the significant impairment or severe pain associated with the severe chronic disease or terminal illness; and

(B) has recommended or prescribed in writing that the patient use a specific class of investigational stem cell treatment.

Sec. 1003.054. INFORMED CONSENT. (a) Before receiving an investigational stem cell treatment, an eligible patient must sign a written informed consent.

(b) If the patient is a minor or lacks the mental capacity to provide informed consent, a parent, guardian, or conservator may provide informed consent on the patient's behalf.

(c) The executive commissioner by rule may adopt a form for the informed consent under this section.

Sec. 1003.055. TREATMENT REQUIREMENTS; TEXAS MEDICAL BOARD RULES. (a) Treatment provided under this subchapter must be:

(1) administered directly by a physician certified under Subsection (c);

(2) overseen by an institutional review board described by Subsection

(d); and

(3) provided at:

(A) a hospital licensed under Chapter 241;

(B) an ambulatory surgical center licensed under Chapter 243; or

(C) a medical school, as defined by Section 61.501, Education

Code.

(b) A physician administering an investigational stem cell treatment under this subchapter shall comply with all applicable Texas Medical Board rules.

(c) An institutional review board described by Subsection (d) may certify a physician to provide an investigational stem cell treatment under this subchapter.

(d) An institutional review board that oversees investigational stem cell treatments administered under this subchapter must be affiliated with:

(1) a medical school, as defined by Section 61.501, Education Code; or

(2) a hospital licensed under Chapter 241 that has at least 150 beds.

(e) The Texas Medical Board may adopt rules regarding institutional review boards as necessary to implement this section.

Sec. 1003.056. EFFECT ON OTHER LAW. (a) This subchapter does not affect the coverage of enrollees in clinical trials under Chapter 1379, Insurance Code.

(b) This subchapter does not affect or authorize a person to violate any law regulating the possession, use, or transfer of fetal tissue, fetal stem cells, adult stem cells, or human organs, including Sections 48.02 and 48.03, Penal Code.

Sec. 1003.057. ACTION AGAINST PHYSICIAN'S LICENSE PROHIBITED. Notwithstanding any other law, the Texas Medical Board may not revoke, fail to renew, suspend, or take any action against a physician's license under Subchapter B, Chapter 164, Occupations Code, based solely on the physician's recommendations to an eligible patient regarding access to or use of an investigational stem cell treatment, provided that the care provided or recommendations made to the patient meet the standard of care and the requirements of this subchapter.

Sec. 1003.058. GOVERNMENTAL INTERFERENCE PROHIBITED. (a) In this section, "governmental entity" means this state or an agency or political subdivision of this state.

(b) A governmental entity or an officer, employee, or agent of a governmental entity may not interfere with an eligible patient's access to or use of a stem cell treatment authorized under this subchapter.

Sec. 1003.059. INSTITUTIONAL REVIEW BOARD DOCUMENTATION; REPORT. (a) An institutional review board overseeing an investigational stem cell treatment under this subchapter shall keep a record on each person to whom a physician administers the treatment and document in the record the provision of each treatment and the effects of the treatment on the person throughout the period the treatment is administered to the person.

(b) Each institutional review board overseeing an investigational stem cell treatment under this subchapter shall submit an annual report to the Texas Medical Board on the review board's findings based on records kept under Subsection (a). The report may not include any patient identifying information and must be made available to the public in both written and electronic form.

SECTION 4. Chapter 48, Penal Code, is amended by adding Section 48.03 to read as follows:

Sec. 48.03. PROHIBITION ON PURCHASE AND SALE OF ADULT STEM CELLS FOR CERTAIN INVESTIGATIONAL TREATMENTS. (a) In this section:

(1) "Adult stem cell" means an undifferentiated cell that is:

(A) found in differentiated tissue; and

(B) able to renew itself and differentiate to yield all or nearly all of the specialized cell types of the tissue from which the cell originated.

(2) "Investigational stem cell treatment" means an adult stem cell treatment that:

(A) is under investigation in a clinical trial and being administered to human participants in that trial; and

(B) has not yet been approved for general use by the United States Food and Drug Administration.

(b) A person commits an offense if the person knowingly offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any adult stem cells for valuable consideration for use in an investigational stem cell treatment.

(c) It is an exception to the application of this section that the valuable consideration is:

(1) a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice or a fee paid for hospital or other clinical services;

(2) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the investigational stem cell treatment; or

(3) reimbursement of expenses of travel, housing, and lost wages incurred by the donor of adult stem cells in connection with the donation of the adult stem cells.

(d) It is an exception to the application of this section that the actor engaged in conduct authorized under Chapter 162, Health and Safety Code.

(e) A violation of this section is a Class A misdemeanor.

SECTION 5. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Subchapter B, Chapter 1003, Health and Safety Code, as added by this Act.

SECTION 6. This Act takes effect September 1, 2017.

HB 810 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PARKER: I want to thank you so much for your support of this legislation. This is all dealing with the topic of adult stem cells and providing greater access to Texans in need, so I think it will provide tremendous benefit for Texans suffering with any kind of medical condition going forward. We had a very productive conference with the senate. We just cleared up, if you will, one amendment that was dealing with Part 1271 of the CFR. Specifically, I will share with you for legislative intent that we now have the IRB structure underneath the domain, if you will, of the Texas Medical Board. It is our hope and direction to TMB that they will work to make certain that this bill becomes reality and work closely with us.

Representative Parker moved to adopt the conference committee report on **HB 810**.

The motion to adopt the conference committee report on **HB 810** prevailed by (Record 1973): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Anderson, C.; Dukes; Laubenberg; Ortega.

REMARKS ORDERED PRINTED

Representative Stickland moved to print remarks by Representative Parker.

The motion prevailed.

(Paddie in the chair)

HB 3879 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Goldman submitted the following conference committee report on **HB 3879**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3879** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hancock
Creighton

Goldman
Herrero

Estes
Whitmire
On the part of the senate

Shine
Geren
On the part of the house

HB 3879, A bill to be entitled An Act relating to nonlawyer representation in an appeal of an eviction suit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 24.011, Property Code, is amended to read as follows:

Sec. 24.011. NONLAWYER REPRESENTATION. (a) In eviction suits in justice court for nonpayment of rent or holding over beyond a rental term, the parties may represent themselves or be represented by their authorized agents, who need not be attorneys. In any eviction suit in justice court, an authorized agent requesting or obtaining a default judgment need not be an attorney.

(b) In an appeal of an eviction suit for nonpayment of rent in a county or district court, an owner of a multifamily residential property may be represented by the owner's authorized agent, who need not be an attorney, or, if the owner is a corporation or other entity, by an employee, owner, officer, or partner of the entity, who need not be an attorney.

SECTION 2. The change in law made by this Act applies only to an appeal taken on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2017.

Representative Goldman moved to adopt the conference committee report on **HB 3879**.

The motion to adopt the conference committee report on **HB 3879** prevailed by (Record 1974): 144 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Murr; Paddie(C); Schofield.

Absent — Dukes; Price.

HB 2101 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frullo submitted the following conference committee report on **HB 2101**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
 President of the Senate

The Honorable Joe Straus
 Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2101** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton
 Estes
 L. Taylor
 Whitmire

Frullo
 Herrero
 Kuempel
 Paddie
 S. Thompson

On the part of the senate

On the part of the house

HB 2101, A bill to be entitled An Act relating to the issuance of a food and beverage certificate to holders of certain alcoholic beverage permits and licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.13, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (b-1) to read as follows:

(a) In this section, "location" means the designated physical address of the wine and beer retailer's permit and includes all areas at the address where the permit holder may sell or deliver alcoholic beverages for immediate consumption regardless of whether some of those areas are occupied by other businesses.

(a-1) A holder of a wine and beer retailer's permit may be issued a food and beverage certificate by the commission if the commission finds that the receipts from the sale of alcoholic beverages by the permit holder at the location are 60 percent or less of the total receipts from the location [food service is the primary business being operated on the premises by the permittee].

(b) A [An applicant or holder of a] food and beverage certificate may not be issued unless the location has permanent [shall have] food service facilities for the preparation and service of multiple entrees for consumption at the location.

(b-1) The commission shall adopt rules requiring [as necessary to assure that] the holder of a food and beverage certificate to assure that permanent [maintains] food service facilities for the preparation and service of multiple entrees for consumption at the location are available at the location [as the primary business on the premises for which a food and beverage certificate has been issued]. The commission may exempt permittees who are concessionaires

in public entertainment venues such as sports stadiums and convention centers from Subsections (a-1) and (b) [the requirement that food service be the primary business on the premises].

(d) A certificate issued under this section expires on the expiration of the primary wine and beer retailer's permit. A certificate may be canceled at any time, and the renewal of a certificate may be denied, if the commission finds that the holder of the certificate is in violation of Subsection (a-1) or (b) or a rule adopted under Subsection (b-1) [not operating primarily as a food service establishment. For the purposes of this section, it shall be presumed that a permittee is not primarily operating as a food service establishment if alcohol sales are in excess of 50 percent of the gross receipts of the premises]. On [The commission may impose a fine not to exceed \$5,000 on the holder of a food and beverage certificate not operating as a food service establishment and may, upon] finding that the permittee knowingly operated under a food and beverage certificate while not complying with this section or a rule adopted under Subsection (b-1), the commission may cancel or deny the renewal of the permittee's wine and beer retailer's permit. The holder of a wine and beer retailer's permit whose certificate has been canceled or who is denied renewal of a certificate under this subsection may not apply for a new certificate until the day after the first anniversary of the date the certificate was canceled or the renewal of the certificate was denied.

SECTION 2. Section 28.18, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (e) and adding Subsections (a-1) and (b-1) to read as follows:

(a) In this section, "location" means the designated physical address of the mixed beverage permit and includes all areas at the address where the permit holder may sell or deliver alcoholic beverages for immediate consumption regardless of whether some of those areas are occupied by other businesses.

(a-1) A holder of a mixed beverage permit may be issued a food and beverage certificate by the commission if the commission finds that the [gross] receipts from the sale of alcoholic [of mixed] beverages [sold] by the permit holder at the location are 60 [50] percent or less of the total [gross] receipts from the location [premises].

(b) A [An applicant or holder of a] food and beverage certificate may not be issued unless the location has permanent [shall have] food service facilities for the preparation and service of multiple entrees for consumption at the location.

(b-1) The commission shall adopt rules requiring [as necessary to assure that] the holder of a food and beverage certificate to assure that permanent [maintains] food service facilities for the preparation and service of multiple entrees for consumption at the location are available at the location [on the premises for which a food and beverage certificate has been issued]. The commission may exempt permittees who are concessionaires in public entertainment venues such as sports stadiums and convention centers from Subsections (a-1) and (b).

(e) A certificate issued under this section expires on the expiration of the primary mixed beverage permit. A certificate may be canceled at any time, and the renewal of a certificate may be denied, if the commission finds that the holder of the certificate is in violation of Subsection (a-1) or (b) or a rule adopted under Subsection (b-1). On finding that the permittee knowingly operated under a food and beverage certificate while not complying with this section or a rule adopted under Subsection (b-1), the commission may cancel or deny the renewal of the permittee's mixed beverage permit. A mixed beverage permit issued in an area where the legal sale of mixed beverages was authorized by a local option election under Section 501.035(b)(9), Election Code, is canceled by operation of law if the food and beverage certificate is canceled or is not renewed. The ~~[A]~~ holder of a mixed beverage permit whose certificate has been canceled or who is denied renewal of a certificate under this subsection may not apply for a new certificate until the day after the first anniversary of the date the certificate was canceled or the renewal of the certificate was denied ~~[determination of the comptroller under Subsection (d)].~~

SECTION 3. Section 32.23, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (e) and adding Subsections (a-1) and (b-1) to read as follows:

(a) In this section, "location" means the designated physical address of the private club registration permit and includes all areas at the address where the permit holder may serve or deliver alcoholic beverages for immediate consumption regardless of whether some of those areas are occupied by other businesses.

(a-1) A holder of a private club registration permit may be issued a food and beverage certificate by the commission if the commission finds that the ~~[gross]~~ receipts from the service of alcoholic ~~[mixed]~~ beverages ~~[served]~~ by the permit holder at the location are 60 ~~[50]~~ percent or less of the total ~~[gross]~~ receipts from the location ~~[premises].~~

(b) A ~~[An applicant or holder of a]~~ food and beverage certificate may not be issued unless the location has permanent ~~[shall have]~~ food service facilities for the preparation and service of multiple entrees for consumption at the location.

(b-1) The commission shall adopt rules requiring ~~[as necessary to assure that]~~ the holder of a food and beverage certificate to assure that permanent ~~[maintains]~~ food service facilities for the preparation and service of multiple entrees for consumption at the location are available at the location ~~[on the premises for which a food and beverage certificate has been issued].~~ The commission may exempt permittees who are concessionaires in public entertainment venues such as sports stadiums and convention centers from Subsections (a-1) and (b).

(e) A certificate issued under this section expires on the expiration of the primary private club registration permit. A certificate may be canceled at any time, and the renewal of a certificate may be denied, if the commission finds that the holder of the certificate is in violation of Subsection (a-1) or (b) or a rule adopted under Subsection (b-1). On finding that the permittee knowingly operated under a food and beverage certificate while not complying with this

section or a rule adopted under Subsection (b-1), the commission may cancel or deny the renewal of the permittee's private club registration permit. The [A] holder of a private club registration permit whose certificate has been canceled or who is denied renewal of a certificate under this subsection may not apply for a new certificate until the day after the first anniversary of the date the certificate was canceled or the renewal of the certificate was denied [determination of the comptroller under Subsection (d)].

SECTION 4. Section 69.16, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (b-1) to read as follows:

(a) In this section, "location" means the designated physical address of the retail dealer's on-premise license and includes all areas at the address where the license holder may sell or deliver alcoholic beverages for immediate consumption regardless of whether some of those areas are occupied by other businesses.

(a-1) A holder of a retail dealer's on-premise license may be issued a food and beverage certificate by the commission if the commission finds that the receipts from the sale of alcoholic beverages by the license holder at the location are 60 percent or less of the total receipts from the location [food service is the primary business being operated on the premises by the permittee].

(b) A [An applicant or holder of a] food and beverage certificate may not be issued unless the location has permanent [shall have] food service facilities for the preparation and service of multiple entrees for consumption at the location.

(b-1) The commission shall adopt rules requiring [as necessary to assure that] the holder of a food and beverage certificate to assure that permanent [maintains] food service facilities for the preparation and service of multiple entrees for consumption at the location are available at the location [as the primary business on the premises for which a food and beverage certificate has been issued]. The commission may exempt licensees [permittees] who are concessionaires in public entertainment venues such as sports stadiums and convention centers from Subsections (a-1) and (b) [the requirement that food service be the primary business on the premises].

(d) A certificate issued under this section expires on the expiration of the primary retail dealer's on-premise license. A certificate may be canceled at any time, and the renewal of a certificate may be denied, if the commission finds that the holder of the certificate is in violation of Subsection (a-1) or (b) or a rule adopted under Subsection (b-1) [not operating primarily as a food service establishment. For the purposes of this section, it shall be presumed that a permittee is not primarily operating as a food service establishment if alcohol sales are in excess of 50 percent of the gross receipts of the premises]. On [The commission may impose a fine not to exceed \$5,000 on the holder of a food and beverage certificate not operating as a food service establishment and may, upon] finding that the licensee [permittee] knowingly operated under a food and beverage certificate while not complying with this section or a rule adopted under Subsection (b-1), the commission may cancel or deny the renewal of the licensee's retail dealer's on-premise license. The holder of a retail dealer's on-premise license whose certificate has been canceled or who is denied renewal

of a certificate under this subsection may not apply for a new certificate until the day after the first anniversary of the date the certificate was canceled or the renewal of the certificate was denied.

SECTION 5. Sections 28.18(d) and 32.23(d), Alcoholic Beverage Code, are repealed.

SECTION 6. (a) As soon as practicable after the effective date of this Act, the Texas Alcoholic Beverage Commission shall adopt the rules necessary to implement this Act.

(b) The changes in law made by this Act apply only to an application for a food and beverage certificate that is filed on or after the effective date of the rules adopted under Subsection (a) of this section.

SECTION 7. This Act takes effect September 1, 2017.

Representative Frullo moved to adopt the conference committee report on **HB 2101**.

The motion to adopt the conference committee report on **HB 2101** prevailed (Record 1975): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

SB 2227 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Martinez submitted the conference committee report on **SB 2227**.

Representative Martinez moved to adopt the conference committee report on **SB 2227**.

The motion to adopt the conference committee report on **SB 2227** prevailed (Record 1976): 115 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Clardy; Cyrier; Dean; Fallon; Goldman; Hefner; Holland; Lang; Leach; Murr; Rinaldi; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Button; Dukes; Dutton; Keough; Longoria; Pickett; Sanford; Thompson, E.; Workman.

STATEMENTS OF VOTE

When Record No. 1976 was taken, my vote failed to register. I would have voted no.

Button

When Record No. 1976 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 1976 was taken, I was in the house but away from my desk. I would have voted no.

Keough

When Record No. 1976 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 3083 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Price submitted the following conference committee report on **HB 3083**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
 Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3083** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa	Price
Buckingham	Larson
Huffman	S. Thompson
Nelson	Darby
Watson	Raymond
On the part of the senate	On the part of the house

HB 3083, A bill to be entitled An Act relating to repayment of certain mental health professional education loans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.601, Education Code, is amended to read as follows:

Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:

(1) a licensed physician who is:

(A) a graduate of an accredited psychiatric residency training program; or

(B) certified in psychiatry by:

(i) the American Board of Psychiatry and Neurology; or

(ii) the American Osteopathic Board of Neurology and Psychiatry;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(4) an advanced practice registered nurse, as defined by Section 301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; ~~and~~

(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code; and

(6) a chemical dependency counselor, as defined by Section 504.001, Occupations Code.

SECTION 2. Section 61.604, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (c), if in a state fiscal year not all funds available for purposes of the program are used, the board may allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section 61.601.

SECTION 3. Section 61.607(b), Education Code, is amended to read as follows:

(b) The total amount of repayment assistance received by a mental health professional under this subchapter may not exceed:

(1) \$160,000, for assistance from the state received by a licensed physician;

(2) \$80,000, for assistance from the state received by:

(A) a psychologist;

(B) a licensed clinical social worker, if the social worker has received a doctoral degree related to social work; or

(C) a licensed professional counselor, if the counselor has received a doctoral degree related to counseling;

(3) \$60,000, for assistance from the state received by an advanced practice registered nurse; ~~and~~

(4) \$40,000, for assistance from the state received by a licensed clinical social worker or a licensed professional counselor who is not described by Subdivision (2); and

(5) \$10,000, for assistance from the state received by a licensed chemical dependency counselor, if the chemical dependency counselor has received an associate degree related to chemical dependency counseling or behavioral science.

SECTION 4. The heading to Section 61.608, Education Code, is amended to read as follows:

Sec. 61.608. RULES; ADMINISTRATION.

SECTION 5. Section 61.608, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The board shall adopt rules establishing a process for allocating any unused funds under the program in accordance with Section 61.604(d).

(d) The board shall administer the program under this subchapter in a manner that maximizes any matching funds available through the state loan repayment program under the National Health Service Corps program of the United States Department of Health and Human Services Health Resources and Services Administration.

SECTION 6. Section 61.609, Education Code, is amended to read as follows:

Sec. 61.609. SOLICITATION AND ACCEPTANCE OF FUNDS. (a) The board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

(b) The board annually shall seek the maximum amount of funds available through the state loan repayment program under the National Health Service Corps program of the United States Department of Health and Human Services Health Resources and Services Administration.

SECTION 7. This Act takes effect September 1, 2017.

Representative Price moved to adopt the conference committee report on **HB 3083**.

The motion to adopt the conference committee report on **HB 3083** prevailed by (Record 1977): 128 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Cain; Fallon; Keough; Krause; Lang; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Gutierrez.

HB 1521 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative White submitted the following conference committee report on **HB 1521**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1521** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Whitmire
Birdwell
Burton
Hughes
Garcia

White
Hinojosa
Keough
Romero
Wilson

On the part of the senate

On the part of the house

HB 1521, A bill to be entitled An Act relating to the exchange of certain information between the Department of Family and Protective Services or certain foster care services contractors and a state or local juvenile justice agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 58.0052, Family Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) In this section:

(1) "Juvenile justice agency" has the meaning assigned by Section 58.101.

(2) "Juvenile service provider" has the meaning assigned by Section 58.0051.

(3) ~~(2)~~ "Multi-system youth" means a person who:

(A) is younger than 19 years of age; and

(B) has received services from two or more juvenile service providers.

(4) ~~(3)~~ "Personal health information" means personally identifiable information regarding a multi-system youth's physical or mental health or the provision of or payment for health care services, including case management services, to a multi-system youth. The term does not include clinical psychological notes or substance abuse treatment information.

(b-1) At the request of a state or local juvenile justice agency, the Department of Family and Protective Services or a single source continuum contractor who contracts with the department to provide foster care services shall, not later than the 14th business day after the date of the request, share with the juvenile justice agency information in the possession of the department or contractor that is necessary to improve and maintain community safety or that assists the agency in the continuation of services for or providing services to a multi-system youth who:

(1) is or has been in the temporary or permanent managing conservatorship of the department;

(2) is or was the subject of a family-based safety services case with the department;

(3) has been reported as an alleged victim of abuse or neglect to the department;

(4) is the perpetrator in a case in which the department investigation concluded that there was a reason to believe that abuse or neglect occurred; or

(5) is a victim in a case in which the department investigation concluded that there was a reason to believe that abuse or neglect occurred.

(b-2) At the request of the Department of Family and Protective Services or a single source continuum contractor who contracts with the department to provide foster care services, a state or local juvenile justice agency shall share with the department or contractor information in the possession of the juvenile justice agency that is necessary to improve and maintain community safety or that assists the department or contractor in the continuation of services for or providing services to a multi-system youth who is or has been in the custody or control of the juvenile justice agency.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative White moved to adopt the conference committee report on **HB 1521**.

The motion to adopt the conference committee report on **HB 1521** prevailed by (Record 1978): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Guerra.

STATEMENT OF VOTE

When Record No. 1978 was taken, I was in the house but away from my desk. I would have voted yes.

Guerra

SB 801 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative K. King submitted the conference committee report on **SB 801**.

SB 801 - REMARKS

REPRESENTATIVE ALLEN: Do you realize that the State Board of Education has not had the ability to have input on the content of textbooks for a very long time?

REPRESENTATIVE K. KING: I do. I do realize that.

ALLEN: Do you also realize that giving the Texas State Board of Education the ability to give input into the content of state textbooks would also give them the opportunity to appoint people to the textbook committee that have no background in education? That almost anybody could be on that committee?

K. KING: It does give the SBOE greater flexibility to reject materials they find inappropriate for grade level.

ALLEN: But they can also have input on content.

K. KING: Yes, absolutely.

ALLEN: Do you realize that not long ago we had a very contentious event about textbooks as it related to Hispanics in the textbook?

K. KING: I am not aware of the specific case. I am aware of roughly what you're talking about.

ALLEN: But you're not aware of the—it was in all of our newspapers, and there was a big rally around the content in the textbooks. Well, just let me see if I can help you remember.

K. KING: Thank you.

ALLEN: In 2016, the State Board of Education considered for adoption a social studies textbook entitled *Mexican American Heritage* that according to scholars had a minimum of 68 errors in that textbook. Do you recall that?

K. KING: I don't recall that, but I'm going to take your word as fact.

ALLEN: Okay. For example, some of the sayings in the textbook were saying Spanish conquistador Juan de Oñate established peaceful relations with the Pueblo people when in fact, he chopped off the foot of every Pueblo man over the age of 25 to establish his rule. Do you remember that?

K. KING: I do.

ALLEN: Do you also remember that textbooks were minimizing slavery as the cause of the Civil War? Do you remember that event?

K. KING: I do.

ALLEN: Do you remember the event when they were saying that slaves were very happy to be slaves when they were enslaved? Do you remember that one?

K. KING: I don't. I don't remember that specific case, and if they said that, that's pretty egregious.

ALLEN: Do you also remember that regarding the Atlantic slave trade between the 1500s and the 1800s, "millions of workers" was in the textbook? That slaves were called workers that came over from Africa to the southern United States to work on agriculture plantations?

K. KING: I do.

ALLEN: Those kinds of things would be in the textbook, and that would give the State Board of Education the privilege to appoint people who could put those kinds of things in the textbooks again. Is that true?

K. KING: I don't see that they would put people in there to put those things in the textbook. I understand exactly what you're saying, which is why I accepted your amendment to begin with.

ALLEN: In that amendment, do you remember that I added that those persons appointed to the textbook committees should have the expertise of being an educator or having a degree in education or even a doctorate in education—that they have some expertise about the history of education?

K. KING: I do remember that.

ALLEN: And I thought that was a good amendment.

K. KING: I thought your amendment was fine. I didn't remove it. Just to be clear, I accepted your amendment. The senate did not. I do think, just for clarification, the reason I accepted your amendment was for the reasons you laid out.

ALLEN: Yes.

K. KING: Please understand the reason I'm carrying the bill doesn't have anything to do with those things. We have a situation where people who are calling themselves publishers simply because they have a computer are overtly trying to slip inappropriate materials into, particularly, grade school curriculum. And so I thought your amendment was a good way to protect what I was trying to protect, but at the same time stop the bill from going too far.

ALLEN: I hear you.

K. KING: Dr. Allen, as I said, I did not remove your amendment. I agreed to take it. The senate won't accept it. I would say we need to be very diligent that our state board doesn't end up like it was a few years ago.

ALLEN: I appreciate you taking that amendment, and I understand what you're trying to do, but at the same time it also opens the gate for all of these other things to happen all over again. And I don't want people in the State of Texas to go through that again. I don't think parents would want to go through that again, and I think parents would appreciate a person on that committee having the expertise to deal with those items.

K. KING: I don't disagree.

REPRESENTATIVE ANCHIA: Just really quickly, can you just restate for the body the goal of your bill and then talk about how the Allen amendment might have impacted it?

K. KING: Well, the goal of the legislation as filed was to address situations where people who are referring to themselves as publishers are trying to slip inappropriate content into, particularly, grade school curriculum materials. The state board has asked to have greater flexibility to review these materials and reject based on content.

ANCHIA: So this is separate and apart from the establishment of the TEKs and first and second readings or does it fit into that process?

K. KING: Well, it would fit into the curriculum review which the board already does, but they're not allowed to reject based on content is my understanding of it, and this would allow them to reject based on content. It wouldn't allow them to put content in.

ANCHIA: Do you fear that these expanded powers for the state board might lead to some of the strange examples that were offered up by Dr. Allen by giving them more power?

K. KING: Representative Anchia, I always fear giving power to bureaucrats, but I think as a legislative body your obligation as well as mine is to make sure that that body doesn't go too far. We cede power to bureaucrats every day in this body for good reasons and sometimes bad. I don't think we're seeking power for a bad reason here, but I think it does bear watching.

REPRESENTATIVE CANALES: Just to follow up on some of the questions Representative Alma Allen was asking you and the talk about experts and writing textbooks, so what the new version of this bill would do—anybody could write a textbook? Is that kind of how it goes?

K. KING: No.

CANALES: Okay, so is there a requisite that they be experts?

K. KING: Oh, to submit content to the state board?

CANALES: Yes.

K. KING: No. There are several cases—I don't have them in front of me, but I reviewed them in the past—where people who just have a computer say they're publishers, and they can submit a book for review.

CANALES: Our concerns are this, and it goes back to the instances she was talking about. In particular, the *Mexican American Heritage* textbook that was published by Momentum Instruction. It had 42 interpretive errors, 68 factual errors, 31 omission errors, and to date, I believe that maybe even only one of those has ever even been corrected. It went so far as to characterize Mexican Americans as lazy, that they were not willing to learn—just stuff that was grossly inaccurate and grossly offensive. And so what I think the concern is, and I think the concern of many of the people standing behind me, is that this not only opens the door, but the bill as it stands to—I guess it plants the seeds for more problems that have already occurred with respect to sensitive issues not only to me but to other communities and making sure that we've got factually correct textbooks done by people who know what they're talking about.

K. KING: Representative Canales, I hear what you're saying, but from the other side of this, giving the state board greater flexibility on content would allow them to reject a textbook like you're describing, not bring it in.

CANALES: Well, they didn't reject this textbook.

K. KING: That's right, but this bill wasn't law. This gives them the ability to reject on content.

CANALES: It just seems to me that when it comes to issues such as this, the State Board of Education has wholly failed not only the State of Texas but people who are looking for factually correct information. And I'm just concerned with giving more latitude to somebody who doesn't seem to deserve the latitude they have to begin with.

ANCHIA: I'm going to speak on the bill. I'm grateful for Representative King's leadership on the Education Committee. He was helpful to me and Dr. Allen on this, but I want people to pay attention because this is a really important issue. In the past, the state board has set curriculum standards in the State of Texas and has not relied on subject matter expertise. And as we are trying to prepare the workforce of the future for this state, as we're trying to come up with an educated citizenry, it's really important that our elected officials on the State Board of Education rely on subject matter expertise in setting these standards. It's very, very dangerous if we allow sort of political ideology—of either democrats or republicans, because we don't know who's going to be in power in the future—to essentially call balls and strikes on what are facts and not facts in state board curriculum. Look, the students in the State of Texas should be learning standards based on science and based on expertise. We owe it to them because they're not going to be competing on a political ideology test. They're going to be competing in a global marketplace of ideas where they need to be globally competitive. And when we bow to political ideology and when we allow our state board to make political statements in the TEKS, which are our state standards, it is a very dangerous practice.

Now, I know that that is not the intent of Representative King. I know he brings this bill with only noble purposes and noble motivations. But we don't need to look into the distant past to figure out how things have gone awry with the state board. We had the Mexican American studies textbook in 2016, members—that was last year—that lacked any thorough review by qualified experts or independent scholars, and it created hundreds of errors. Thankfully, the board ultimately rejected that textbook because of those errors, but it wasn't until there was a great public outcry and mobilization. When an SBOE social studies textbook which was approved in 2015 identified slaves as "workers" as if they had any choice in the matter—that is very dangerous members. But that's what the State Board of Education was to allow. Thankfully, the mother of a Texas student caught this error in her child's textbook, exposing the inadequate review process of the SBOE. Environmental science textbooks also included no expertise to refute baseless claims that were not based on science. That happened in 2013. And in 2010, an SBOE-appointed "expert" argued that Cesar Chavez and Thurgood Marshall should be struck from a standard about good citizenship. Anybody who would make that claim that Thurgood Marshall was not an exemplary and model citizen of the United States really must have a political agenda in mind. So we must be incredibly vigilant on the State Board of Education standards.

I suspect this bill is going to pass by Representative King, but we cannot sit idly by and fail to exercise our legislative prerogative and our legislative oversight on these issues, because the future of a globally competed workforce here in the State of Texas is at stake. So members, I ask that we look cautiously at this issue and we take it with a great deal of seriousness.

ALLEN: Members, I served on the State Board of Education for 12 years prior to coming to this body, and during that time we had no way of doing any input into the content of textbooks. So things ran very smoothly at that point. I'm asking

you to keep that same position for members of our State Board of Education so that our children can come get a textbook that is factual and that is beneficial for all of the children in the State of Texas. I'm asking you to vote no on this bill.

K. KING: In closing, the intent of this bill is good. And anytime we cede power to a bureaucracy, we have to be diligent and watch what that bureaucracy does. So I'd ask you to vote with me on this bill.

REMARKS ORDERED PRINTED

Representative Canales moved to print all remarks on **SB 801**.

The motion prevailed.

Representative P. King moved to adopt the conference committee report on **SB 801**.

The motion to adopt the conference committee report on **SB 801** prevailed (Record 1979): 78 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Burkett; Burns; Burrows; Button; Cain; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gutierrez; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Kuempel; Lambert; Lang; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Oliverson; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Canales; Capriglione; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Fallon; Farrar; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Landgraf; Leach; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Murr; Neave; Nevárez; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wilson; Wu.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Bonnen, G.; Klick; Koop; Krause; Larson; Sanford; Schaefer; Springer.

STATEMENTS OF VOTE

When Record No. 1979 was taken, I was in the house but away from my desk. I would have voted yes.

G. Bonnen

When Record No. 1979 was taken, I was shown voting no. I intended to vote yes.

Fallon

When Record No. 1979 was taken, I was shown voting yes. I intended to vote no.

Gutierrez

When Record No. 1979 was taken, I was in the house but away from my desk. I would have voted no.

Koop

When Record No. 1979 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 1979 was taken, I was in the house but away from my desk. I would have voted yes.

Schaefer

When Record No. 1979 was taken, I was shown voting no. I intended to vote yes.

Wilson

HB 2937 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the following conference committee report on **HB 2937**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2937** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio
Nichols
Hinojosa
Rodriguez
On the part of the senate

Canales
Ashby
González
Longoria
On the part of the house

HB 2937, A bill to be entitled An Act relating to the establishment of a pilot program under which a licensed hospital may offer dual credit courses to public high school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0764 to read as follows:

Sec. 61.0764. MEDICAL DUAL CREDIT PILOT PROGRAM. (a) The board shall develop and implement a pilot program under which a licensed hospital may offer dual credit courses to high school students enrolled in a school district in partnership with the district.

(b) The board shall select one licensed hospital located in a county that borders the United Mexican States and that has a population of at least 700,000 and not more than 800,000 to participate in the pilot program. The hospital must be accredited by The Joint Commission and:

(1) have been issued:

(A) a certificate of approval to offer a program of instruction by the Texas Workforce Commission under Subchapter C, Chapter 132; or

(B) a certificate of authority to award a degree for a program of study by the board under Subchapter G of this chapter;

(2) be accredited to offer a degree program by the appropriate recognized regional accrediting agency; or

(3) must:

(A) have entered into a partnership with an institution of higher education to offer dual credit courses under the pilot program; and

(B) be seeking authorization to offer a program of instruction or study as described by Subdivision (1) or accreditation to offer a degree program as described by Subdivision (2).

(c) The licensed hospital selected under Subsection (b):

(1) may offer under the pilot program only dual credit courses that are in the curriculum of the hospital's program of instruction or study or degree program described by Subsection (b)(1), (2), or (3), as applicable; and

(2) subject to Subdivision (1) and Subsection (d), shall determine the content of each dual credit course offered under the pilot program with the goal of ensuring that the course is transferable for course credit applied toward a certificate or degree at an institution of higher education.

(d) The licensed hospital selected under Subsection (b) must design the dual credit courses offered under the pilot program to enable students to earn a variety of certifications, certificates, and degrees, including at least one certification or certificate while the student is in high school. The available certifications, certificates, and degrees must be selected based on:

(1) the needs of the hospital;

(2) the terms of the hospital's agreements with partnering school districts to provide the dual credit courses under the pilot program; and

(3) the goal of preparing students for employment in the health care field.

(e) A student enrolled in a dual credit course offered under the pilot program is entitled to the benefits of the Foundation School Program for the time spent by the student on that course, in accordance with rules adopted by the commissioner of education.

(f) A student may not be charged for tuition, fees, or required textbooks or other instructional materials for a dual credit course offered under the pilot program. The school district in which the student is enrolled is responsible for the

cost of the student's tuition, fees, or required textbooks or other instructional materials for that course to the extent that those amounts are not waived by the licensed hospital.

(g) The board may adopt rules as necessary to implement this section.

SECTION 2. Section 61.0764, Education Code, as added by this Act, applies beginning with the 2017-2018 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Canales moved to adopt the conference committee report on **HB 2937**.

The motion to adopt the conference committee report on **HB 2937** prevailed by (Record 1980): 142 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Murr; Phillips.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Faircloth; Farrar.

SB 999 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Giddings submitted the conference committee report on **SB 999**.

Representative Giddings moved to adopt the conference committee report on **SB 999**.

The motion to adopt the conference committee report on **SB 999** prevailed by (Record 1981): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes.

HB 3767 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Allen submitted the following conference committee report on **HB 3767**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3767** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Uresti
Campbell
L. Taylor
West

Allen
Giddings
Howard
Thierry
VanDeaver

On the part of the senate

On the part of the house

HB 3767, A bill to be entitled An Act relating to annual reporting regarding the establishment of certain school district planning and decision-making committees and to certain duties of those committees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.164, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Not less than once each school year, each district-level committee established under Section 11.251 shall review paperwork requirements imposed on classroom teachers and shall make recommendations to the board of trustees of the school district regarding the transfer to existing noninstructional staff of a reporting task that can reasonably be accomplished by that staff as authorized by Subsection (b).

SECTION 2. Section 11.251, Education Code, is amended by adding Subsection (h) to read as follows:

(h) The board shall annually certify to the agency in accordance with commissioner rule that the board has established the district- and campus-level committees as required by this section.

SECTION 3. This Act applies beginning with the 2017-2018 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Allen moved to adopt the conference committee report on **HB 3767**.

The motion to adopt the conference committee report on **HB 3767** prevailed by (Record 1982): 143 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Fairecloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Rinaldi; Schaefer; Shaheen; Tinderholt.

Present, not voting — Mr. Speaker; Paddie(C).

STATEMENTS OF VOTE

When Record No. 1982 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 1982 was taken, I was shown voting yes. I intended to vote no.

Cyrier

SB 1633 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Oliverson submitted the conference committee report on **SB 1633**.

Representative Oliverson moved to adopt the conference committee report on **SB 1633**.

The motion to adopt the conference committee report on **SB 1633** prevailed by (Record 1983): 138 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Arévalo; Cain; Schaefer; Schofield; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Murr; Paddie(C).

Absent — Dukes; Guerra; Springer.

STATEMENT OF VOTE

When Record No. 1983 was taken, I was shown voting no. I intended to vote yes.

Arévalo

SB 1987 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murphy submitted the conference committee report on **SB 1987**.

Representative Murphy moved to adopt the conference committee report on **SB 1987**.

The motion to adopt the conference committee report on **SB 1987** prevailed by (Record 1984): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Klick.

SB 27 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Blanco submitted the conference committee report on **SB 27**.

Representative Blanco moved to adopt the conference committee report on **SB 27**.

The motion to adopt the conference committee report on **SB 27** prevailed by (Record 1985): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause;

Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Paul.

STATEMENT OF VOTE

When Record No. 1985 was taken, my vote failed to register. I would have voted yes.

Paul

SB 1001 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paul submitted the conference committee report on **SB 1001**.

Representative Paul moved to adopt the conference committee report on **SB 1001**.

The motion to adopt the conference committee report on **SB 1001** prevailed by (Record 1986): 140 Yeas, 4 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Sanford; Schaefer; Tinderholt.

Present, not voting — Mr. Speaker; Blanco; Paddie(C); Phillips.

Absent — Dukes; Thompson, S.

STATEMENT OF VOTE

When Record No. 1986 was taken, I was shown voting present, not voting. I intended to vote yes.

Blanco

HB 1823 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the following conference committee report on **HB 1823**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1823** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffirini	Canales
Huffman	Collier
Hughes	Longoria
Schwertner	Lozano
Lucio	Raymond
On the part of the senate	On the part of the house

HB 1823, A bill to be entitled An Act relating to properly recorded diacritical marks in vital statistics records, driver's licenses, commercial driver's licenses, and personal identification certificates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.009 to read as follows:

Sec. 191.009. USE OF DIACRITICAL MARKS. (a) In this section, "diacritical mark" means a mark used in Latin script to change the sound of the letter to which it is added or used to distinguish the meaning of the word in which the letter appears. The term includes accents, tildes, graves, umlauts, and cedillas.

(b) The state registrar shall ensure that a vital statistics record issued under this title properly records any diacritical mark used in a person's name.

SECTION 2. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. USE OF DIACRITICAL MARKS. (a) In this section, "diacritical mark" means a mark used in Latin script to change the sound of a letter to which it is added or used to distinguish the meaning of the word in which the letter appears. The term includes accents, tildes, graves, umlauts, and cedillas.

(b) The department shall ensure that an original or renewal driver's license or personal identification certificate issued under this chapter properly records any diacritical mark used in a person's name.

SECTION 3. Section 522.030, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall ensure that an original or renewal commercial driver's license or commercial learner's permit issued under this chapter properly records any diacritical mark used in a person's name. In this subsection, "diacritical mark" means a mark used in Latin script to change the sound of a letter to which it is added or used to distinguish the meaning of the word in which the letter appears. The term includes accents, tildes, graves, umlauts, and cedillas.

SECTION 4. The change in law made by this Act applies only to a vital statistics record issued by the Department of State Health Services vital statistics unit or a driver's license, personal identification certificate, or commercial driver's license or learner's permit issued or renewed by the Texas Department of Public Safety on or after January 1, 2019.

SECTION 5. This Act takes effect September 1, 2017.

Representative Canales moved to adopt the conference committee report on **HB 1823**.

The motion to adopt the conference committee report on **HB 1823** prevailed by (Record 1987): 130 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Bonnen, D.; Cain; Cyrier; Elkins; Lang; Leach; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; White; Zedler.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Anderson, C.; Dukes; González; Rodriguez, J.

HB 1036 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the following conference committee report on **HB 1036**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1036** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Whitmire
Campbell
Garcia
Nelson

S. Thompson
Collier
S. Davis
Sheffield

On the part of the senate

On the part of the house

HB 1036, A bill to be entitled An Act relating to coverage for certain breast cancer screening procedures under certain health benefit plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 1356, Insurance Code, is amended to read as follows:

CHAPTER 1356. ~~[LOW DOSE]~~ MAMMOGRAPHY

SECTION 2. Sections 1356.001 and 1356.002, Insurance Code, are amended to read as follows:

Sec. 1356.001. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

(1) "Breast tomosynthesis" means a radiologic mammography procedure that involves the acquisition of projection images over a stationary breast to produce cross-sectional digital three-dimensional images of the breast from which applicable breast cancer screening diagnoses may be determined.

(2) "Low-dose~~[, "low dose"]~~ mammography" means:

(A) the x-ray examination of the breast using equipment dedicated specifically for mammography, including an x-ray tube, filter, compression device, and screens, ~~[films, and cassettes,]~~ with an average radiation exposure delivery of less than one rad mid-breast and~~[,]~~ with two views for each breast;

(B) digital mammography; or

(C) breast tomosynthesis.

Sec. 1356.002. APPLICABILITY OF CHAPTER. (a) This chapter applies ~~[only]~~ to a health benefit plan, including a small employer health benefit plan written under Chapter 1501 or coverage that is provided by a health group cooperative under Subchapter B of that chapter, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including ~~[is delivered, issued for delivery, or renewed in this state and that is]~~ an individual, ~~[or]~~ group, blanket, or franchise ~~[accident and health]~~

insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a health maintenance organization operating under Chapter 843;
- (4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;
- (5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;
- (6) a stipulated premium company operating under Chapter 884;
- (7) a fraternal benefit society operating under Chapter 885;
- (8) a Lloyd's plan operating under Chapter 941; or
- (9) an exchange operating under Chapter 942[~~, including a policy issued by a group hospital service corporation operating under Chapter 842~~].

(b) This chapter applies to coverage under a group health benefit plan described by Subsection (a) provided to a resident of this state, regardless of whether the group policy or contract is delivered, issued for delivery, or renewed within or outside this state.

(c) This chapter applies to group health coverage made available by a school district in accordance with Section 22.004(b), Education Code.

(d) This chapter applies to a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code.

(e) Notwithstanding Section 22.409, Business Organizations Code, or any other law, this chapter applies to a church benefits board established under Chapter 22, Business Organizations Code.

(f) Notwithstanding Section 75.104, Health and Safety Code, or any other law, this chapter applies to a regional or local health care program established under Chapter 75, Health and Safety Code.

(g) Notwithstanding any provision in Chapter 1551 or any other law, this chapter applies to a basic coverage plan under Chapter 1551.

(h) Notwithstanding any other law, a standard health benefit plan provided under Chapter 1507 must provide the coverage required by this chapter.

SECTION 3. Chapter 1356, Insurance Code, is amended by adding Section 1356.0021 to read as follows:

Sec. 1356.0021. EXCEPTIONS. This chapter does not apply to:

- (1) the child health plan program operated under Chapter 62, Health and Safety Code;
- (2) the health benefits plan for children operated under Chapter 63, Health and Safety Code;
- (3) the state Medicaid program operated under Chapter 32, Human Resources Code; and
- (4) the Medicaid managed care program operated under Chapter 533, Government Code.

SECTION 4. Section 1356.005(a), Insurance Code, is amended to read as follows:

(a) A health benefit plan that provides coverage to a female who is 35 years of age or older must include coverage for an annual screening by all forms of low-dose mammography for the presence of occult breast cancer.

SECTION 5. The changes in law made by this Act apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018. A plan delivered, issued for delivery, or renewed before January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2017.

Representative S. Thompson moved to adopt the conference committee report on **HB 1036**.

The motion to adopt the conference committee report on **HB 1036** prevailed by (Record 1988): 127 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospér; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Capriglione; Cyrier; Krause; Lang; Leach; Metcalf; Murr; Rinaldi; Schaefer; Shaheen; Simmons; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker; Paddie(C); White.

Absent — Bohac; Dukes.

STATEMENTS OF VOTE

When Record No. 1988 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1988 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1988 was taken, I was shown voting no. I intended to vote yes.

Leach

HB 2377 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Larson submitted the following conference committee report on **HB 2377**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2377** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Perry

Estes

Hall

Hinojosa

Kolkhorst

On the part of the senate

Larson

T. King

Lucio

Workman

On the part of the house

HB 2377, A bill to be entitled An Act relating to the development of brackish groundwater.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1015 to read as follows:

Sec. 36.1015. RULES FOR PERMITS IN BRACKISH GROUNDWATER PRODUCTION ZONES. (a) In this section:

(1) "Designated brackish groundwater production zone" means an aquifer, subdivision of an aquifer, or geologic stratum designated under Section 16.060(b)(5).

(2) "Development board" means the Texas Water Development Board.

(3) "Gulf Coast Aquifer" means the system of hydrogeologic units that run along the Gulf Coast from the Sabine River to the Rio Grande, including:

(A) the Catahoula confining system, including the Frio Formation, the Anahuac Formation, and the Catahoula Tuff or Sandstone;

(B) the Jasper Aquifer, including the Oakville Sandstone and Fleming Formation;

(C) the Burkeville confining system separating the Jasper Aquifer from the Evangeline Aquifer;

(D) the Evangeline Aquifer, including the Goliad Sand; and

(E) the Chicot Aquifer, including the Willis Sand, the Bentley and Montgomery Formations, the Beaumont Clay, and alluvial deposits at the surface.

(b) A district located over any part of a designated brackish groundwater production zone may adopt rules to govern the issuance of permits for the completion and operation of a well for the withdrawal of brackish groundwater from a designated brackish groundwater production zone and shall adopt rules described by this subsection if the district receives a petition from a person with a legally defined interest in groundwater in the district. The district must adopt the rules not later than the 180th day after the date the district receives the petition. Rules adopted under this subsection apply only to a permit for a project described by Subsection (c).

(c) A person may obtain a permit under rules adopted under this section for the following projects:

(1) a municipal project designed to treat brackish groundwater to drinking water standards for the purpose of providing a public source of drinking water; and

(2) an electric generation project to treat brackish groundwater to water quality standards sufficient for the project needs.

(d) The rules adopted must:

(1) provide for processing an application for a brackish groundwater production zone operating permit in the same manner as an application for an operating permit for a fresh groundwater well, except as provided by this section;

(2) allow withdrawals and rates of withdrawal of brackish groundwater from a designated brackish groundwater production zone not to exceed and consistent with the withdrawal amounts identified in Section 16.060(e);

(3) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone;

(4) require implementation of a monitoring system recommended by the development board to monitor water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located;

(5) for a project located in a designated brackish groundwater production zone in the Gulf Coast Aquifer, require reasonable monitoring by the district of land elevations to determine if production from the project is causing or is likely to cause subsidence during the permit term;

(6) require from the holder of a permit issued under rules adopted under this section annual reports that must include:

(A) the amount of brackish groundwater withdrawn;

(B) the average monthly water quality of the brackish groundwater withdrawn and in the monitoring wells; and

(C) aquifer levels in both the designated brackish groundwater production zone and in any aquifer, subdivision of an aquifer, or geologic stratum for which the permit requires monitoring; and

(7) be consistent with and not impair property rights described by Sections 36.002(a) and (b).

(e) An application for a brackish groundwater production zone operating permit must include:

(1) the proposed well field design compared to the designated brackish groundwater production zone;

(2) the requested maximum groundwater withdrawal rate for the proposed project;

(3) the number and location of monitoring wells needed to determine the effects of the proposed project on water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located; and

(4) a report that includes:

(A) a simulation of the projected effects of the proposed production on water levels and water quality in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum in which the designated brackish groundwater production zone is located;

(B) a description of the model used for the simulation described by Paragraph (A); and

(C) sufficient information for a technical reviewer to understand the parameters and assumptions used in the model described by Paragraph (B).

(f) The district shall submit the application to the development board and the development board shall conduct a technical review of the application. The development board shall submit a report of the review of the application that includes:

(1) findings regarding the compatibility of the proposed well field design with the designated brackish groundwater production zone; and

(2) recommendations for the monitoring system described by Subsection (d)(4).

(g) The district may not schedule a hearing on the application until the district receives the report from the development board described by Subsection (f).

(h) The district shall provide the reports required under Subsection (d)(6) to the development board. Not later than the 120th day after the date the development board receives a request from the district, the development board shall investigate and issue a report on whether brackish groundwater production under the project that is the subject of the report from the designated brackish groundwater production zone is projected to cause:

(1) significant aquifer level declines in the same or an adjacent aquifer, subdivision of an aquifer, or geologic stratum that were not anticipated by the development board in the designation of the zone;

(2) negative effects on quality of water in an aquifer, subdivision of an aquifer, or geologic stratum; or

(3) for a project located in a designated brackish groundwater production zone in the Gulf Coast Aquifer, subsidence during the permit term.

(i) After receiving from the development board a report issued under Subsection (h) and after notice and hearing subject to Subchapter M, the district may:

(1) amend the applicable permit to establish a production limit necessary to mitigate any negative effects identified by the report;

(2) approve a mitigation plan that alleviates any negative effects identified by the report; or

(3) both amend the permit to establish a production limit and approve a mitigation plan.

SECTION 2. Section 36.1132, Water Code, is amended by adding Subsection (d) to read as follows:

(d) Production under a permit issued under Section 36.1015 to produce brackish groundwater from a designated brackish groundwater production zone is in addition to the amount of groundwater that may be produced based on Subsections (b)(1) and (2). To the extent possible, a district shall issue permits up to the point that the total volume of exempt and permitted groundwater production in a designated brackish groundwater production zone equals the amount of brackish groundwater that may be produced annually to achieve the groundwater availability described by the Texas Water Development Board in its designation of the brackish groundwater production zone under Section 16.060(e).

SECTION 3. This Act takes effect September 1, 2017.

Representative Larson moved to adopt the conference committee report on **HB 2377**.

The motion to adopt the conference committee report on **HB 2377** prevailed by (Record 1989): 144 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Elkins; Simmons; Stickland.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

HR 2609 - ADOPTED
(by Alvarado)

The following privileged resolution was laid before the house:

HR 2609

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 968** (a sexual assault policy at certain public and private institutions of higher education and to requiring those institutions to provide students and employees an option to electronically report certain offenses to the institution) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the house or senate version of the bill in SECTION 1 of the bill, in amended Section 51.9363, Education Code, to read as follows:

Sec. 51.9363. ~~[CAMPUS]~~ SEXUAL ASSAULT POLICY. (a) In this section, "postsecondary educational institution" means an ~~["]~~institution of higher education or a private or independent institution of higher education, as those terms are defined[" has the meaning assigned] by Section 61.003.

(b) Each postsecondary educational institution ~~[of higher education]~~ shall adopt a policy on ~~[campus]~~ sexual assault applicable to each student enrolled at and each employee of the institution. The policy must:

(1) include:

(A) definitions of prohibited behavior;

(B) sanctions for violations; and

(C) the protocol for reporting and responding to reports of ~~[campus]~~ sexual assault; and

(2) be approved by the institution's governing board before final adoption by the institution.

(c) Each postsecondary educational institution ~~[of higher education]~~ shall make the institution's ~~[campus]~~ sexual assault policy available to students, faculty, and staff members by:

(1) including the policy in the institution's student handbook and personnel handbook; and

(2) creating and maintaining a web page on the institution's Internet website dedicated solely to the policy.

(d) Each postsecondary educational institution ~~[of higher education]~~ shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's ~~[campus]~~ sexual assault policy before or during the first semester or term in which the student is enrolled at the institution. The institution shall establish the format and content of the orientation.

Explanation: This addition is necessary to expand to private or independent institutions of higher education the requirements regarding a sexual assault policy and to require the policy to encompass all incidents of sexual assault, regardless of whether those incidents occur on or off campus.

HR 2609 was adopted by (Record 1990): 135 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Elkins; Krause; Lang; Rinaldi; Schaefer; Shaheen; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Simmons; Wilson.

SB 968 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Alvarado submitted the conference committee report on **SB 968**.

Representative Alvarado moved to adopt the conference committee report on **SB 968**.

The motion to adopt the conference committee report on **SB 968** prevailed by (Record 1991): 120 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Burkett; Burns; Button; Canales; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson;

Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schubert; Sheffield; Shine; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bell; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Capriglione; Craddick; Cyrier; Fallon; Geren; Goldman; Hefner; Lang; Murr; Rinaldi; Schaefer; Schofield; Shaheen; Simmons; Smithee; Springer; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

HB 3270 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Bohac submitted the following conference committee report on **HB 3270**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3270** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

L. Taylor	Bohac
Hall	Huberty
Hughes	Meyer
V. Taylor	Murphy
West	

On the part of the senate

On the part of the house

HB 3270, A bill to be entitled An Act relating to criminal background checks for persons employed by certain public school contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.0834, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), this [This] subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who on or after January 1, 2008, is offered employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if:

(1) the employee or applicant has or will have continuing duties related to the contracted services; and

(2) the employee or applicant has or will have direct contact with students.

(a-1) This section does not apply to a contracting entity, subcontracting entity, or other person subject to Section 22.08341.

SECTION 2. Subchapter C, Chapter 22, Education Code, is amended by adding Section 22.08341 to read as follows:

Sec. 22.08341. CRIMINAL HISTORY RECORD INFORMATION REVIEW BY CERTAIN PUBLIC WORKS CONTRACTORS. (a) In this section:

(1) "Contracting entity" means an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement to provide engineering, architectural, or construction services to the district, school, or arrangement.

(2) "Instructional facility" has the meaning assigned by Section 46.001.

(3) "Subcontracting entity" means an entity that contracts with another entity that is not a school district, open-enrollment charter school, or shared services arrangement to provide engineering, architectural, or construction services to a school district, open-enrollment charter school, or shared services arrangement.

(b) This subsection applies to a person who is not an applicant for or holder of a certificate under Subchapter B, Chapter 21, and who is employed by a contracting or subcontracting entity on a project to design, construct, alter, or repair a public work if the person has or will have:

(1) continuing duties related to the contracted services; and

(2) the opportunity for direct contact with students in connection with the person's continuing duties.

(c) For purposes of Subsection (b), a person does not have the opportunity for direct contact with students if:

(1) the public work does not involve the construction, alteration, or repair of an instructional facility;

(2) for a public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or

(3) for a public work that involves an existing instructional facility:

(A) the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and

(B) the contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area.

(d) A contracting entity or subcontracting entity may not permit an employee to whom Subsection (b) applies to provide services at an instructional facility if the employee, during the preceding 30 years, was convicted of any of the following offenses and the victim was under 18 years of age or was enrolled in a public school:

(1) a felony offense under Title 5, Penal Code;

(2) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(3) an offense under the laws of another state or federal law that is equivalent to an offense under Subdivision (1) or (2).

(e) For a person to whom Subsection (b) applies, the contracting entity or subcontracting entity that employs the person shall:

(1) send or ensure that the person sends to the department information that is required by the department for obtaining national criminal history record information, which may include fingerprints and photographs;

(2) obtain all criminal history record information that relates to the person through the criminal history clearinghouse as provided by Section 411.0845, Government Code; and

(3) certify to the school district, open-enrollment charter school, shared services arrangement, or contracting entity, as applicable, that the contracting entity or subcontracting entity that employs the person has received all criminal history record information relating to the person.

(f) A contracting entity shall certify to the school district, open-enrollment charter school, or shared services arrangement, as applicable, that the contracting entity has obtained written certifications from any subcontracting entity that the subcontracting entity has complied with Subsection (e) as it relates to the subcontracting entity's employees.

(g) On receipt of information described by Subsection (e)(1), the department shall obtain the person's national criminal history record information and report the results through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(h) A school district, open-enrollment charter school, or shared services arrangement may directly obtain the criminal history record information of a person to whom Subsection (b) applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(i) If a contracting entity or subcontracting entity determines that Subsection (b) does not apply to an employee, the contracting or subcontracting entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in the determination that Subsection (b) does not apply to the employee continue to exist throughout the time that the contracted services are provided.

(j) In the event of an emergency, a school district, open-enrollment charter school, or shared services arrangement may allow a person to whom Subsection (b) applies to enter an instructional facility if the person is accompanied by an employee of the district, school, or arrangement. A school district, open-enrollment charter school, or shared services arrangement may adopt a policy regarding an emergency for purposes of this subsection.

(k) The commissioner may adopt rules necessary to implement this section.

SECTION 3. Section 22.085(c), Education Code, is amended to read as follows:

(c) A school district, open-enrollment charter school, or shared services arrangement may not allow a person who is an employee of or applicant for employment by an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if the district, school, or shared services arrangement obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. A school district, open-enrollment charter school, or shared services arrangement must ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Section 22.0834 or 22.08341.

SECTION 4. Section 411.097(a), Government Code, is amended to read as follows:

(a) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain from the department criminal history record information maintained by the department that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is:

(1) an applicant for employment by the district, school, service center, or shared services arrangement;

(2) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district, school, service center, or shared services arrangement to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported; or

(3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834 or 22.08341, Education Code.

SECTION 5. Section 22.0834, Education Code, as amended by this Act, and Section 22.08341, Education Code, as added by this Act, apply only to a public works contract executed on or after the effective date of this Act. A public works contract executed before the effective date of this Act is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2017.

Representative Bohac moved to adopt the conference committee report on **HB 3270**.

The motion to adopt the conference committee report on **HB 3270** prevailed by (Record 1992): 146 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Stickland.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1992 was taken, I was shown voting no. I intended to vote yes.

Stickland

SB 1784 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the conference committee report on **SB 1784**.

Representative Huberty moved to adopt the conference committee report on **SB 1784**.

The motion to adopt the conference committee report on **SB 1784** prevailed by (Record 1993): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez;

Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Cyrier; Dukes; Israel; Springer.

HR 2606 - ADOPTED
(by Giddings)

The following privileged resolution was laid before the house:

HR 2606

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 2244** (relating to the creation of the University Hills Municipal Management District; providing authority to issue bonds; providing authority to impose assessments or fees) to consider and take action on the following matter:

House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 1 of the bill by omitting added Section 3947.255, Special District Local Laws Code. The omitted text would exempt the University Hills Municipal Management District from the application of Section 375.262, Local Government Code, which provides for the dissolution of a district on petition of certain owners of property in the district.

Explanation: The omission of the text is necessary to require the board of the University Hills Municipal Management District to dissolve the district on petition of certain owners of property in the district.

HR 2606 was adopted by (Record 1994): 138 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; Keough; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson;

Ortega; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anchia; Elkins; Rinaldi.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Johnson, J.; King, K.; King, T.; Perez; Villalba.

SB 2244 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Giddings submitted the conference committee report on **SB 2244**.

Representative Giddings moved to adopt the conference committee report on **SB 2244**.

The motion to adopt the conference committee report on **SB 2244** prevailed by (Record 1995): 138 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Rinaldi; Shaheen; Stickland; Tinderholt.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Hefner; Johnson, J.; King, T.

STATEMENTS OF VOTE

When Record No. 1995 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1995 was taken, I was shown voting yes. I intended to vote no.

Springer

SB 634 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Button submitted the conference committee report on **SB 634**.

Representative Button moved to adopt the conference committee report on **SB 634**.

The motion to adopt the conference committee report on **SB 634** prevailed by (Record 1996): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Herrero; Springer; Walle.

STATEMENT OF VOTE

When Record No. 1996 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

HB 1886 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Miller submitted the following conference committee report on **HB 1886**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1886** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman
Campbell
Rodriguez
L. Taylor
Zaffirini

Miller
Cospser
Huberty
Bernal
D. Bonnen
On the part of the house

On the part of the senate

HB 1886, A bill to be entitled An Act relating to dyslexia screening and testing in public schools, the employment of dyslexia specialists by regional education service centers, the development of a list of training opportunities for educators regarding dyslexia, and transition planning for students enrolled in a special education program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.061 to read as follows:

Sec. 8.061. DYSLEXIA SPECIALIST. Each regional education service center shall employ as a dyslexia specialist a person licensed as a dyslexia therapist under Chapter 403, Occupations Code, to provide school districts served by the center with support and resources that are necessary to assist students with dyslexia and the families of students with dyslexia.

SECTION 2. Section 29.011, Education Code, is amended to read as follows:

Sec. 29.011. TRANSITION PLANNING. (a) The commissioner shall by rule adopt procedures for compliance with federal requirements relating to transition services for students who are enrolled in special education programs under this subchapter. The procedures must specify the manner in which a student's admission, review, and dismissal committee must consider, and if appropriate, address the following issues in the student's individualized education program:

(1) appropriate student involvement in the student's transition to life outside the public school system;

(2) if the student is younger than 18 years of age, appropriate ~~[parental]~~ involvement in the student's transition by the student's parents and other persons invited to participate by:

(A) the student's parents; or

(B) the school district in which the student is enrolled;

(3) if the student is at least 18 years of age, ~~[appropriate parental]~~ involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:

(A) is invited to participate by the student or the school district in which the student is enrolled; or

(B) has the student's consent to participate pursuant to a supported decision-making agreement under Chapter 1357, Estates Code;

(4) appropriate ~~[any]~~ postsecondary education options, including preparation for postsecondary-level coursework;

(5) an appropriate ~~[a]~~ functional vocational evaluation;

(6) appropriate employment goals and objectives;

(7) if the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;

(8) appropriate independent living goals and objectives; ~~[and]~~

(9) appropriate circumstances for facilitating a referral of ~~[referring]~~ a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)); and

(10) the use and availability of appropriate:

(A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and

(B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Chapter 1357, Estates Code.

(a-1) A student's admission, review, and dismissal committee shall annually review the issues described by Subsection (a) and, if necessary, update the portions of the student's individualized education program that address those issues.

(a-2) The commissioner shall develop and post on the agency's Internet website a list of services and public benefits for which referral may be appropriate under Subsection (a)(9).

(b) The commissioner shall require each school district or shared services arrangement to designate at least one employee to serve as the district's or shared services arrangement's designee on transition and employment services for students enrolled in special education programs under this subchapter. The commissioner shall develop minimum training guidelines for a district's or shared services arrangement's designee. An individual designated under this subsection must provide information and resources about effective transition planning and services, including each issue described by Subsection (a), and interagency coordination to ensure that local school staff communicate and collaborate with:

(1) students enrolled in special education programs under this subchapter and the parents of those students; and

(2) as appropriate, local and regional staff of the:

(A) Health and Human Services Commission;

(B) Texas Workforce Commission [~~Department of Aging and Disability Services~~];

- (C) ~~[Department of Assistive and Rehabilitative Services;~~
~~[(D)]~~ Department of State Health Services; and
 (D) ~~[(E)]~~ Department of Family and Protective Services.

(c) The commissioner shall review and, if necessary, update the minimum training guidelines developed under Subsection (b) at least once every four years. In reviewing and updating the guidelines, the commissioner shall solicit input from stakeholders.

SECTION 3. Sections 29.0112(b) and (e), Education Code, are amended to read as follows:

(b) The transition and employment guide must be written in plain language and contain information specific to this state regarding:

- (1) transition services;
- (2) employment and supported employment services;
- (3) social security programs;
- (4) community and long-term services and support, including the option to place the student on a waiting list with a governmental agency for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396(c));

(5) postsecondary educational programs and services, including the inventory maintained by the Texas Higher Education Coordinating Board under Section 61.0663;

(6) information sharing with health and human services agencies and providers;

(7) guardianship and alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code;

(8) self-advocacy, person-directed planning, and self-determination;
 and

(9) contact information for all relevant state agencies.

(e) A school district shall:

(1) post the transition and employment guide on the district's website if the district maintains a website; ~~and~~

(2) provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

(A) the first meeting of the student's admission, review, and dismissal committee at which transition is discussed; and ~~or~~

(B) the first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and

(3) on request, provide a printed copy of the guide to a student or parent [becomes available, if a student has already had an admission, review, and dismissal committee meeting discussing transition].

SECTION 4. Section 29.017, Education Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), (e), and (f) to read as follows:

(c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:

- (1) provide to the student and the student's parents:

(A) written notice regarding the transfer of rights under this section; and

(B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and

(2) ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).

(c-1) In accordance with 34 C.F.R. Section 300.520 [300.517], the school district shall provide written notice to [notify] the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).

(c-2) If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter 1357, Estates Code.

(c-3) The commissioner shall develop and post on the agency's Internet website a model form for use by school districts in notifying students and parents as required by Subsections (c) and (c-1). The form must include the information and resources described by Subsection (c). The commissioner shall review and update the form, including the information and resources, as necessary.

(d) The commissioner shall develop and post on the agency's Internet website the information and resources described by Subsections (c), (c-1), and (c-2).

(e) Nothing in this section prohibits a student from entering into a supported decision-making agreement under Chapter 1357, Estates Code, after the transfer of rights under this section.

(f) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.520(b) [300.517(b)].

SECTION 5. Sections 38.003(a) and (b-1), Education Code, are amended to read as follows:

(a) Students enrolling in public schools in this state shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade.

(b-1) Unless otherwise provided by law, a student determined to have dyslexia during screening or testing under Subsection (a) or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student.

SECTION 6. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0032 to read as follows:

Sec. 38.0032. DYSLEXIA TRAINING OPPORTUNITIES. (a) The agency shall annually develop a list of training opportunities regarding dyslexia that satisfy the requirements of Section 21.054(b). The list of training opportunities must include at least one opportunity that is available online.

(b) A training opportunity included in the list developed under Subsection (a) must:

(1) comply with the knowledge and practice standards of an international organization on dyslexia; and

(2) enable an educator to:

(A) understand and recognize dyslexia; and

(B) implement instruction that is systematic, explicit, and evidence-based to meet the educational needs of a student with dyslexia.

SECTION 7. Sections 29.011, 29.0112, and 29.017, Education Code, as amended by this Act, apply beginning with the 2018-2019 school year.

SECTION 8. Section 38.003, Education Code, as amended by this Act, applies beginning with the 2017-2018 school year.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Miller moved to adopt the conference committee report on **HB 1886**.

The motion to adopt the conference committee report on **HB 1886** prevailed by (Record 1997): 141 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Cain; Rinaldi; Schaefer; Stickland.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1997 was taken, I was shown voting no. I intended to vote yes.

Biedermann

HB 29 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the following conference committee report on **HB 29**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 29** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman
Garcia
Kolkhorst
Perry
Schwertner

S. Thompson
Arévalo
Frullo
Meyer

On the part of the senate

On the part of the house

HB 29, A bill to be entitled An Act relating to prostitution and the trafficking of persons, civil racketeering related to trafficking, the prevention, investigation, and prosecution of and punishment for certain sexual offenses and offenses involving or related to trafficking, reimbursement of certain costs for criminal victims who are children, and the release and reporting of certain information relating to a child; increasing criminal penalties; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 102, Business & Commerce Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF
SEXUALLY ORIENTED BUSINESSES

Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED. (a) A sexually oriented business shall post by the sink area in each restroom on the premises one sign that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. Except as provided by Subsection (c), the sign must be 11 inches by 17 inches in size.

(b) The attorney general by rule shall prescribe the design, content, and manner of display of the sign required by this section. The sign must:

- (1) be in both English and Spanish; and

(2) include the telephone number and Internet website of the National Human Trafficking Resource Center.

(c) The attorney general by rule may require the sign to:

(1) be in an additional language other than English or Spanish;

(2) be larger than 11 inches by 17 inches in size if the attorney general determines that a larger sign is appropriate; and

(3) include other information the attorney general considers necessary and appropriate.

Sec. 102.102. CRIMINAL PENALTY. (a) A person commits an offense if the person:

(1) is an owner or operator of a sexually oriented business; and

(2) fails to post the sign required by Section 102.101 in compliance with that section and rules adopted under that section.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. Chapter 140A, Civil Practice and Remedies Code, is amended by designating Sections 140A.001 and 140A.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. Section 140A.001, Civil Practice and Remedies Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Attorney general" means the attorney general of Texas or any assistant attorney general acting under the direction of the attorney general of Texas.

SECTION 4. Subchapter A, Chapter 140A, Civil Practice and Remedies Code, as added by this Act, is amended by adding Section 140A.0015 to read as follows:

Sec. 140A.0015. APPLICABILITY OF PROVISIONS. (a) The provisions of this chapter are cumulative of each other and any other provision of law in effect relating to the same subject. The provisions of this chapter preserve the constitutional and common law authority of the attorney general to bring any action under state and federal law.

(b) If any of the provisions of this chapter are held invalid, the remainder of the provisions are not affected as a result and the application of the provision held invalid to persons or circumstances other than those as to which it is held invalid are not affected as a result.

SECTION 5. Chapter 140A, Civil Practice and Remedies Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PROCEDURES AND EVIDENCE

Sec. 140A.051. DEFINITIONS. In this subchapter:

(1) "Civil investigative demand" means any demand issued by the attorney general under this subchapter.

(2) "Documentary material" means the original or a copy of any paper, contract, agreement, book, booklet, brochure, pamphlet, catalog, magazine, notice, announcement, circular, bulletin, instruction, minutes, agenda, study, analysis, report, graph, map, chart, table, schedule, note, letter, telegram, telephone recordings, or data compilations stored in or accessible through

computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations, and any product of discovery.

(3) "Person" has the meaning assigned by Section 311.005, Government Code.

(4) "Product of discovery" means:

(A) the original or a copy of a deposition, interrogatory, document, thing, result of inspection of land or other property, examination, or admission that is obtained by any method of discovery in a judicial or administrative proceeding of an adversarial nature;

(B) a digest, analysis, selection, compilation, or derivation of any item listed in Paragraph (A); and

(C) an index, instruction, or other aid or means of access to any item listed in Paragraph (A).

(5) "Racketeering investigation" means any inquiry conducted by the attorney general for the purpose of ascertaining whether any person is or has been engaged in or is actively preparing to engage in activities that may constitute a racketeering violation.

(6) "Racketeering violation" means any act or omission in violation of any of the prohibitions in Section 140A.002.

Sec. 140A.052. CIVIL INVESTIGATIVE DEMAND. If the attorney general has reason to believe that a person may be in possession, custody, or control of any documentary material or other evidence or may have any information relevant to a civil racketeering investigation, the attorney general may, before beginning a civil proceeding, issue in writing and serve on the person a civil investigative demand requiring the person to:

(1) produce any of the documentary material for inspection and copying;

(2) answer in writing any written interrogatories;

(3) give oral testimony; or

(4) provide any combination of civil investigative demands under Subdivisions (1)-(3).

Sec. 140A.053. CONTENTS OF DEMAND. (a) A civil investigative demand issued under Section 140A.052 must:

(1) describe the nature of the activities that are the subject of the investigation;

(2) state each statute the activity violates; and

(3) advise the person on whom the demand is served that the person has the right to object to the demand as provided for in this subchapter.

(b) A demand for production of documentary material must:

(1) describe the class of material to be produced with reasonable specificity so that the material demanded is fairly identified;

(2) prescribe a return date that provides a reasonable period of time within which the material is to be produced; and

(3) identify the individual to whom the material is to be made available for inspection and copying.

(c) A demand for answers to written interrogatories must:

(1) propound the interrogatories with definiteness and certainty;

(2) prescribe a date by which answers to the interrogatories must be submitted; and

(3) identify the individual to whom the answers should be submitted.

(d) Each demand for the giving of oral testimony must:

(1) prescribe a reasonable date, time, and place at which the testimony will begin; and

(2) identify the individual who will conduct the examination.

Sec. 140A.054. SERVICE; PROOF OF SERVICE. (a) Service of any civil investigative demand or petition filed under Section 140A.055 or 140A.060 may be made on any natural person by delivering a duly executed copy of the demand or petition to the person to be served or by mailing a copy by registered or certified mail, return receipt requested, to the person at the person's residence or principal office or place of business.

(b) Service of any demand or petition filed under Section 140A.055 or 140A.060 may be made on any person other than a natural person by delivering a duly executed copy of the demand or petition to a person to whom delivery would be appropriate under state law if the demand or petition were process in a civil suit.

(c) A verified return by the individual serving any demand or petition filed under Section 140A.055 or 140A.060 setting forth the manner of service is proof of service. In the case of service by registered or certified mail, the return must be accompanied by the return post office receipt of delivery of the demand or petition.

Sec. 140A.055. PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND. (a) At any time before the return date specified in a civil investigative demand or not later than the 30th day after the date the demand was served, whichever period is shorter, the person who has been served, and in the case of a demand for a product of discovery the person from whom the discovery was obtained, may file a petition for an order modifying or setting aside the demand in the district court in the county of the person's residence or principal office or place of business or a district court of Travis County. The petition must specify each ground upon which the petitioner relies in seeking the relief sought. The petition may be based on any failure of a demand to comply with the provisions of this subchapter or on any constitutional or other legal right or privilege of the petitioner.

(b) The petitioner shall serve a copy of the petition on the attorney general in accordance with Section 140A.054. The attorney general may submit an answer to the petition.

(c) In ruling on the petition under this section, the court shall presume absent evidence to the contrary that the attorney general issued the demand in good faith and within the scope of the attorney general's authority.

Sec. 140A.056. COMPLIANCE WITH DEMAND. (a) A person on whom a civil investigative demand is served under this subchapter shall comply with the terms of the demand unless otherwise provided by court order.

(b) The time for compliance with the demand wholly or partly does not run during the pendency of any petition filed under Section 140A.055, provided that the petitioner shall comply with any portions of the demand not sought to be modified or set aside.

Sec. 140A.057. DOCUMENTARY MATERIAL. (a) Any person on whom any civil investigative demand for the production of documentary material has been duly served under this subchapter shall make the material available to the attorney general for inspection and copying during normal business hours on the return date specified in the demand at the person's principal office or place of business or as otherwise may be agreed on by the person and the attorney general. The attorney general shall bear the expense of any copying. The person may substitute copies for originals of all or part of the requested documents if the originals are made available for inspection. The attorney general may elect to obtain or review information in an electronic format. The person shall indicate in writing which, if any, of the documents produced contain trade secrets or confidential information.

(b) The production of documentary material in response to any demand must be made under a sworn certificate in the form the demand designates by a natural person having knowledge of the facts and circumstances relating to the production to the effect that all of the requested material in the possession, custody, or control of the person to whom the demand is directed has been produced.

Sec. 140A.058. INTERROGATORIES. (a) Each interrogatory in any civil investigative demand duly served must be answered separately and fully in writing, unless it is objected to, in which case the basis for the objection shall be set forth in lieu of an answer. The person shall indicate in writing which, if any, of the answers contain trade secrets or confidential information.

(b) Answers to interrogatories must be submitted under a sworn certificate in the form the related demand designates by a natural person having knowledge of the facts and circumstances relating to the preparation of the answers to the effect that all of the requested information in the possession, custody, control, or knowledge of the person to whom the demand is directed has been set forth fully and accurately.

Sec. 140A.059. ORAL EXAMINATION. (a) The examination of any person pursuant to a civil investigative demand for oral testimony duly served must be taken before any person authorized to administer oaths and affirmations under the laws of this state or the United States. The person before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally or by someone acting under the person's direction and in the person's presence record the witness's testimony. At the expense of the attorney general, and except as provided by this subsection, the testimony must be taken stenographically and may be transcribed. The attorney general may take audio and video recordings of the testimony by providing notice to the person to be examined not later than the seventh day before the day the person is to be examined.

(b) The oral testimony of any person taken pursuant to a demand served must be taken within 100 miles of the county where the person resides, is found, or transacts business or in any other place agreed on by the person and the attorney general.

(c) Any person compelled to appear under a demand for oral testimony may be accompanied, represented, and advised by counsel. Counsel may advise the person in confidence, either on the request of the person or on the counsel's own initiative, with respect to any question arising in connection with the examination.

(d) The individual conducting the examination on behalf of the attorney general shall exclude from the place of examination all other persons except the person being examined, the person's counsel, the counsel of the person to whom the demand has been issued, the person before whom the testimony is to be taken, any stenographer taking the testimony, audiographer, videographer, and any person assisting the individual conducting the examination.

(e) During the examination, the person being examined or the person's counsel may object on the record to any question in accordance with Rule 199.5(e), Texas Rules of Civil Procedure. An objection may properly be made, received, and entered on the record when it is claimed that the person is entitled to refuse to answer the question on grounds of any constitutional or other privilege, including the privilege against self-incrimination. Neither that person nor the person's counsel may otherwise object to or refuse to answer any question or interrupt the oral examination. If the person refuses to answer any question, the attorney general may petition the district court in the county where the examination is being conducted for an order compelling the person to answer the question.

(f) After the testimony has been fully transcribed, the person before whom the testimony was taken shall promptly transmit the transcript of the testimony to the witness and a copy of the transcript to the attorney general. The witness must have a reasonable opportunity to examine the transcript and make any changes in form or substance accompanied by a statement of the reasons for the changes. The witness shall then sign and return the transcript. If the witness does not return the transcript to the person before whom the testimony was taken not later than the 20th day after the date the transcript was provided to the witness, the witness may be deemed to have waived the right to make changes. The officer shall then certify on the transcript that the witness was duly sworn and that the transcript is a true record of the testimony given by the witness and promptly transmit a copy of the certified transcript to the attorney general.

(g) On request, the attorney general shall furnish a copy of the certified transcript to the witness.

(h) The attorney general may provide the witness the same fees and mileage reimbursement that are paid to witnesses in the district courts of this state.

Sec. 140A.060. FAILURE TO COMPLY WITH DEMAND PETITION FOR ENFORCEMENT. If a person fails to comply with a civil investigative demand duly served on the person, the attorney general may file in the district court in the county in which the person resides, is found, or transacts business or

in a district court of Travis County and may serve on the person a petition for an order of the court for enforcement. If the person transacts business in more than one county and the attorney general elects not to file the petition in Travis County, the petition must be filed in the county of the person's principal office or place of business in the state or in any other county as may be agreed on by the person and the attorney general.

Sec. 140A.061. DELIBERATE NONCOMPLIANCE. (a) A person commits an offense if the person, with intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this subchapter, knowingly removes from any place, conceals, withholds, destroys, mutilates, alters, or by any other means falsifies any documentary material or otherwise provides inaccurate information.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not more than \$5,000;

(2) confinement in a county jail for not more than one year; or

(3) both a fine and confinement.

Sec. 140A.062. DISCLOSURE AND USE OF MATERIAL AND INFORMATION. (a) The civil investigative demand issued by the attorney general, any information obtained, maintained, or created in response to the demand, or any documentary material, product of discovery, or other record derived or created during an investigation from the information, is not subject to disclosure under Chapter 552, Government Code, and is not subject to disclosure, discovery, subpoena, or other means of legal compulsion for the release, except as described in Subsections (b) and (c).

(b) The attorney general may not release or disclose information that is obtained in response to a demand or any documentary material, product of discovery, or other record derived from the information except:

(1) by court order for good cause shown;

(2) with the consent of the person who provided the information to the attorney general;

(3) to an employee or other person under the direction of the attorney general;

(4) to an agency of this state, the United States, or another state or foreign country;

(5) to any party or person in accordance with Sections 140A.107 and 140A.108;

(6) to a political subdivision of this state; or

(7) to a person authorized by the attorney general to receive the information.

(c) The attorney general may use information obtained in response to a demand, or any documentary material, product of discovery, or other record derived or created from the information as the attorney general determines necessary in the enforcement of this chapter, including presentation before court.

Sec. 140A.063. JURISDICTION. If a petition is filed in the district court in any county, the court has jurisdiction to hear and determine the matter presented and to enter any order required to implement this chapter. Any final order is subject to appeal. Failure to comply with any final order entered by a court under this chapter is punishable by the court as contempt of the order.

Sec. 140A.064. NONEXCLUSIVE PROCEDURES. Nothing in this chapter precludes the attorney general from using any procedure not specified in this chapter in conducting a racketeering investigation.

SECTION 6. Chapter 140A, Civil Practice and Remedies Code, is amended by adding Subchapter C and adding a subchapter heading to read as follows:

SUBCHAPTER C. ENFORCEMENT

SECTION 7. Sections 140A.003 through 140A.013, Civil Practice and Remedies Code, are transferred to Subchapter C, Chapter 140A, Civil Practice and Remedies Code, as added by this Act, redesignated as Sections 140A.101 through 140A.111, Civil Practice and Remedies Code, and amended to read as follows:

Sec. 140A.101 [~~140A.003~~]. SUIT TO ABATE RACKETEERING. (a) The attorney general may bring suit in the name of the state against a person or enterprise for racketeering and may seek civil penalties, costs, reasonable attorney's fees, and appropriate injunctive relief.

(b) This chapter does not authorize suit by a person or enterprise that sustains injury as a result of racketeering.

(c) A suit under this chapter must be brought in a district court in a county in which all or part of the alleged racketeering offense giving rise to the suit occurred.

Sec. 140A.102 [~~140A.004~~]. INJUNCTIVE RELIEF; OTHER REMEDIES. (a) A court in which a proceeding is brought under this chapter may prevent, restrain, and remedy racketeering by issuing appropriate orders. The orders may include a temporary restraining order, a temporary or permanent injunction, the creation of a receivership, and the enforcement of a constructive trust in connection with any property or other interest, prejudgment writs of attachment under Chapter 61 for the purposes of freezing, preserving, and disgorging assets, or another order for a remedy or restraint the court considers proper.

(b) Following a final determination of liability under this chapter, the court may issue an appropriate order, including an order that:

(1) requires a person to divest any direct or indirect interest in an enterprise;

(2) imposes reasonable restrictions on the future activities or investments of a person that affect the laws of this state, including prohibiting a person from engaging in the type of endeavor or enterprise that gave rise to the racketeering offense, to the extent permitted by the constitutions of this state and the United States;

(3) requires the dissolution or reorganization of an enterprise involved in the suit;

(4) orders the recovery of reasonable fees, expenses, and costs incurred in obtaining injunctive relief or civil remedies or in conducting investigations under this chapter, including court costs, investigation costs, attorney's fees, witness fees, and deposition fees;

(5) orders payment to the state of an amount equal to:

(A) the gain acquired or maintained through racketeering; or

(B) the amount for which a person is liable under this chapter;

(6) orders payment to the state of a civil penalty by a person or enterprise found liable for racketeering, in an amount not to exceed \$250,000 for each separately alleged and proven act of racketeering;

(7) orders payment of damages to the state for racketeering shown to have materially damaged the state; or

(8) orders that property attached under Chapter 61 be used to satisfy an award of the court, including damages, penalties, costs, and fees.

(c) In determining the amount of a civil penalty ordered under Subsection (b)(6), the court shall consider:

(1) the seriousness of the racketeering offense and the consequent financial or personal harm to the state or to any identified victim; ~~and~~

(2) the duration of the racketeering activity; and

(3) any other matter that justice requires.

(d) If any property attached under Chapter 61 is not necessary to satisfy an award of the court after a finding of liability for racketeering of the person or enterprise having an interest in the property, the court may order that the property be disgorged to the state to the extent of the person's or enterprise's interest. To be disgorged, the property must be acquired or maintained by the person or enterprise through racketeering.

(e) In determining the amount of damages ordered under Subsection (b)(7), the court shall consider:

(1) loss of tax revenue to the state;

(2) unpaid state unemployment taxes;

(3) unpaid state licensing and regulatory fees;

(4) medical and counseling costs incurred by the state on behalf of any victim of the racketeering; and

(5) other material damage caused to the state by the racketeering.

(f) Except as otherwise provided by this chapter, remedies and awards ordered by a court under this chapter, including costs and reasonable attorney's fees, may be assessed against and paid from money or property awarded under this chapter.

(g) This chapter is not intended to provide the exclusive remedy for the activity addressed by this chapter. A proceeding under this chapter may be brought in addition to or in the alternative of any other civil or criminal action available under the laws of this state.

(h) Notwithstanding any other provision in this chapter, Articles 59.13 and 59.14, Code of Criminal Procedure, apply to a remedy under this section.

(i) A remedy under this section may not impair a security interest in property subject to a bona fide lien.

Sec. 140A.103 [~~140A.005~~]. CONSTRUCTIVE TRUST. (a) A person or enterprise that, through racketeering, acquires property or prevents another person from receiving property that by law is required to be transferred or paid to that person is an involuntary trustee. The involuntary trustee or any other person or enterprise, other than a bona fide purchaser for value as described by Subsection (b), holds the property and the proceeds of the property in constructive trust for the benefit of any person entitled to remedies under this chapter.

(b) A bona fide purchaser for value who was reasonably without notice of unlawful conduct and who did not knowingly take part in an illegal transaction is not an involuntary trustee under Subsection (a) and is not subject to a constructive trust imposed under this chapter.

Sec. 140A.104 [~~140A.006~~]. EVIDENCE. (a) In a proceeding under this chapter, the state bears the burden of proof by a preponderance of the evidence.

(b) A person convicted in a criminal proceeding is precluded, in a proceeding under this chapter, from subsequently denying the essential allegations of the criminal offense of which the person was convicted. For purposes of this subsection, a verdict or a plea, including a plea of nolo contendere, is considered a conviction.

(c) An individual may not be held liable under this chapter based on the conduct of another person unless the finder of fact finds by a preponderance of the evidence that the individual authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the other person.

(d) An enterprise may not be held liable under this chapter based on the conduct of an agent unless the finder of fact finds by a preponderance of the evidence that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the agent.

(e) A bank or savings and loan association insured by the Federal Deposit Insurance Corporation, a credit union insured by the National Credit Union Administration, or the holder of a money transmission license as defined by Chapter 151, Finance Code, may not be held liable in damages or for other relief under this chapter, unless the finder of fact finds by a preponderance of the evidence that the person or agent acquiring or maintaining an interest in or transporting, transacting, transferring, or receiving the funds on behalf of another did so knowing that the funds were the proceeds of an offense and that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the person or agent.

Sec. 140A.105 [~~140A.007~~]. LIMITATIONS PERIOD. A proceeding may be commenced under this chapter only if the proceeding is filed on or before the seventh anniversary of the date on which the racketeering offense was actually discovered. This section supersedes any conflicting provision establishing a shorter period of limitations for the same conduct.

Sec. 140A.106 [~~140A.008~~]. SPECIAL DOCKETING PROCEDURES. The attorney general may file with the clerk of the district court in which a proceeding is brought under this chapter a certificate stating that the case is of special public importance. The clerk must immediately furnish a copy of the certificate to the administrative judge of the district court of the county in which the proceeding is pending. On receiving the copy of the certificate, the administrative judge shall immediately designate a judge to hear and determine the proceeding. The designated judge shall promptly assign the proceeding for hearing, participate in hearings, make determinations, and cause the action to be expedited.

Sec. 140A.107 [~~140A.009~~]. NOTICE TO LOCAL PROSECUTOR. (a) In a reasonable time before initiating suit or on initiating an investigation on racketeering, the attorney general shall provide notice to the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction that appears to have primary jurisdiction over the criminal prosecution of any target of an investigation under this chapter at the time of the notice concerning the attorney general's intent to file suit under this chapter or investigate racketeering, as applicable.

(b) The notices described by Subsection (a) must describe or otherwise identify the defendant to the suit or the suspect, as applicable.

Sec. 140A.108 [~~140A.010~~]. COOPERATION WITH LOCAL PROSECUTOR. (a) A district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction that receives notice under Section 140A.107 [~~140A.009~~] may notify the attorney general of a related pending criminal investigation or prosecution.

(b) Notification to the attorney general under Subsection (a) must be in writing and describe or otherwise identify the defendant or suspect in the criminal investigation or proceeding.

(c) On receipt of notice described by Subsection (a), the attorney general shall coordinate and cooperate with the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction to ensure that the filing of a suit under this chapter does not interfere with an ongoing criminal investigation or prosecution. The attorney general shall update the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction on matters affecting the suit or the investigation.

Sec. 140A.109 [~~140A.011~~]. ABATEMENT OF SUIT. If the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction determines that a suit brought under this chapter would interfere with an ongoing criminal investigation or prosecution after notifying the attorney general of the investigation or prosecution under Section 140A.108 [~~140A.010~~], the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction may request, in writing, that the attorney general abate the suit. On receipt of this request, the attorney general shall abate the suit.

Sec. 140A.110 [~~140A.012~~]. DISPOSITION OF ASSETS. (a) An award issued in an action brought under this chapter must be paid in accordance with this section.

(b) After a deduction of any costs of suit, including reasonable attorney's fees and court costs, 80 percent of the amount of the award remaining must be paid to the state, and the remaining 20 percent must be paid, on a pro rata basis, to each law enforcement agency, district attorney's office, criminal district attorney's office, and office of a county attorney with felony criminal jurisdiction found by the court to have assisted in the suit.

(c) The first \$10 million, after any costs of suit described by Subsection (b), that is paid to the state under this chapter in a fiscal year shall be dedicated to the compensation to victims of crime fund described by Article 56.54, Code of Criminal Procedure.

Sec. 140A.111 [~~140A.013~~]. PREVIOUSLY SEIZED ASSETS. Notwithstanding another provision of this chapter, no remedies provided by this chapter may be assessed against proceeds, contraband, or other property over which a law enforcement agency has previously asserted jurisdiction under Chapter 59, Code of Criminal Procedure, at the time a suit under this chapter was filed.

SECTION 8. Article 24A.001, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a subpoena, search warrant, or other court order that:

(1) relates to the investigation or prosecution of a criminal offense under:

- (A) Section 21.02, 21.11, 22.011, or 22.021, Penal Code;
- (B) Chapter 20A, Penal Code;
- (C) Section 33.021, Penal Code; or
- (D) Chapter 43, Penal Code; and

(2) is served on or issued with respect to an online [~~Internet~~] service provider that provides service in this state.

SECTION 9. Subchapter A, Chapter 24A, Code of Criminal Procedure, is amended by adding Article 24A.0015 to read as follows:

Art. 24A.0015. DEFINITION. In this chapter, "online service provider" means an Internet service provider, search engine, web hosting company, web browsing company, manufacturer of devices providing online application platforms, or company providing online social media platforms.

SECTION 10. Articles 24A.002(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (b), not later than the 10th day after the date on which an online [~~Internet~~] service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the online [~~Internet~~] service provider shall:

- (1) fully comply with the subpoena, warrant, or order; or
- (2) petition a court to excuse the online [~~Internet~~] service provider from complying with the subpoena, warrant, or order.

(b) As soon as is practicable, and in no event later than the second business day after the date the online [~~Internet~~] service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by

Article 24A.001, the online ~~[Internet]~~ service provider shall fully comply with the subpoena, search warrant, or order if the subpoena, search warrant, or order indicates that full compliance is necessary to address a situation that threatens a person with death or other serious bodily injury.

SECTION 11. Article 24A.003, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An online ~~[Internet]~~ service provider that disobeys a subpoena, search warrant, or other court order described by Article 24A.001 and that was not excused from complying with the subpoena, warrant, or order under Article 24A.002(a)(2) may be punished in any manner provided by law.

SECTION 12. Article 24A.051, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.051. PRESERVING INFORMATION. (a) On written request of a law enforcement agency in this state or a federal law enforcement agency and pending the issuance of a subpoena or other court order described by Article 24A.001, an online ~~[Internet]~~ service provider that provides service in this state shall take all steps necessary to preserve all records or other potential evidence in a criminal trial that is in the possession of the online ~~[Internet]~~ service provider.

(b) Subject to Subsection (c), an online ~~[Internet]~~ service provider shall preserve information under Subsection (a) for a period of 90 days after the date the online ~~[Internet]~~ service provider receives the written request described by Subsection (a).

(c) An online ~~[Internet]~~ service provider shall preserve information under Subsection (a) for the 90-day period immediately following the 90-day period described by Subsection (b) if the requesting law enforcement agency in writing requests an extension of the preservation period.

SECTION 13. Article 45.0216(f), Code of Criminal Procedure, is amended to read as follows:

(f) The court shall order the conviction, together with all complaints, verdicts, sentences, and prosecutorial and law enforcement records, and any other documents relating to the offense, expunged from the person's record if the court finds that:

(1) for a person applying for the expunction of a conviction for an offense described by Section 8.07(a)(4) or (5), Penal Code, the person was not convicted of any other offense described by Section 8.07(a)(4) or (5), Penal Code, while the person was a child; and

(2) for a person applying for the expunction of a conviction for an offense described by Section 43.261, Penal Code, the person was not found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~, Family Code, while the person was a child.

SECTION 14. Article 56.32(a)(9), Code of Criminal Procedure, is amended to read as follows:

(9) "Pecuniary loss" means the amount of expense reasonably and necessarily incurred as a result of personal injury or death for:

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

(B) actual loss of past earnings and anticipated loss of future earnings and necessary travel expenses because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability resulting from the personal injury; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes related to the criminally injurious conduct and participation in or attendance at any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent, including specialized care for a child who is a victim;

(D) funeral and burial expenses, including, for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral;

(E) loss of support to a dependent, consistent with Article 56.41(b)(5);

(F) reasonable and necessary costs of cleaning the crime scene;

(G) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;

(H) reasonable and necessary costs for relocation and housing rental assistance payments as provided by Article 56.42(d);

(I) for an immediate family member or household member of a deceased victim, bereavement leave of not more than 10 work days; and

(J) reasonable and necessary costs of traveling to and from a place of execution for the purpose of witnessing the execution, including one night's lodging near the place at which the execution is conducted.

SECTION 15. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c-1)(3) [~~(c)(3)~~] of that section;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), ~~(F)~~ (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), ~~(F)~~ (K), or (L), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code; ~~(K)~~

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code.

SECTION 16. Article 62.005(b), Code of Criminal Procedure, is amended to read as follows:

(b) The information contained in the database, including the numeric risk level assigned to a person under this chapter, is public information, with the exception of any information:

(1) regarding the person's social security number or driver's license number, or any home, work, or cellular telephone number of the person;

(2) that is described by Article 62.051(c)(7) or required by the department under Article 62.051(c)(9) [~~62.051(e)(8)~~], including any information regarding an employer's name, address, or telephone number; or

(3) that would identify the victim of the offense for which the person is subject to registration.

SECTION 17. Article 62.051(c), Code of Criminal Procedure, is amended to read as follows:

(c) The registration form shall require:

(1) the person's full name, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, and shoe size;

(1-a) the address at which the person resides or intends to reside or, if the person does not reside or intend to reside at a physical address, a detailed description of each geographical location at which the person resides or intends to reside;

(1-b) each alias used by the person and any home, work, or cellular telephone number of the person;

(2) a recent color photograph or, if possible, an electronic digital image of the person and a complete set of the person's fingerprints;

(3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;

(4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision;

(5) an indication of each license, as defined by Article 62.005(g), that is held or sought by the person;

(6) an indication as to whether the person is or will be employed, carrying on a vocation, or a student at a particular public or private institution of higher education in this state or another state, and the name and address of that institution;

(7) the identification of any online identifier established or used by the person;

(8) the vehicle registration information, including the make, model, vehicle identification number, color, and license plate number, of any vehicle owned by the person, if the person has a reportable conviction or adjudication for an offense under:

(A) Section 20A.02(a)(3), (4), (7), or (8), Penal Code; or

(B) Section 20A.03, Penal Code, if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code; and

(9) [~~(8)~~] any other information required by the department.

SECTION 18. Article 62.101(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (b) and Subchapter I, the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

(1) a sexually violent offense;

(2) an offense under Section 20A.02(a)(3), (4), (7), or (8), 25.02, 43.05(a)(2), or 43.26, Penal Code;

(3) an offense under Section 20A.03, Penal Code, if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code;

(4) an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter;

(5) [~~(4)~~] an offense under Section 20.02, 20.03, or 20.04, Penal Code, if:

(A) the judgment in the case contains an affirmative finding under Article 42.015 or, for a deferred adjudication, the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age; and

(B) before or after the person is convicted or adjudicated for the offense under Section 20.02, 20.03, or 20.04, Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter; or

(6) [~~(5)~~] an offense under Section 43.23, Penal Code, that is punishable under Subsection (h) of that section.

SECTION 19. Subchapter A, Chapter 130, Education Code, is amended by adding Section 130.0105 to read as follows:

Sec. 130.0105. COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The Texas Higher Education Coordinating Board by rule shall require each public junior college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking.

(b) The Texas Higher Education Coordinating Board, in collaboration with the office of the attorney general, shall establish the content of the education and training required by this section.

SECTION 20. Subchapter A, Chapter 132, Education Code, is amended by adding Section 132.006 to read as follows:

Sec. 132.006. COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM; CERTAIN CURRICULUM REQUIREMENTS. (a) The commission by rule shall require each career school or college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking.

(b) The commission, in collaboration with the office of the attorney general, shall establish the content of the education and training required by this section.

SECTION 21. Section 51.03(b), Family Code, as amended by Chapters 935 (HB 2398), 944 (SB 206), and 1273 (SB 825), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) ~~[(6)]~~ notwithstanding Subsection (a)(1), conduct described by Section 43.02(a) or (b), Penal Code; or

(6) ~~[(7)]~~ notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION 22. Section 51.13(e), Family Code, is amended to read as follows:

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~ is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION 23. Section 54.0404(a), Family Code, is amended to read as follows:

(a) If a child is found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(6) ~~[51.03(b)(7)]~~, the juvenile court may enter an order requiring the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 24. Section 58.003(c-3), Family Code, is amended to read as follows:

(c-3) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court, on the court's own motion and without a hearing, shall order the sealing of records concerning a child found to have engaged in conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~ or taken into custody to determine whether the child engaged in conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~. This subsection applies only to records related to conduct indicating a need for supervision described by Section 51.03(b)(5) ~~[51.03(b)(6)]~~.

SECTION 25. Section 23.101(a), Government Code, is amended to read as follows:

(a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

(1) temporary injunctions;

(2) criminal actions, with the following actions given preference over other criminal actions:

(A) criminal actions against defendants who are detained in jail pending trial;

(B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.004, Family Code;

(C) an offense under:

(i) Section 21.02 or 21.11, Penal Code;

(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iv) Section 25.06, Penal Code;

(v) Section 43.25, Penal Code; or

(vi) Section 20A.02(a)(7), 20A.02(a)(8), or 20A.03, Penal Code;

(D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure; and

(E) criminal actions against persons who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

SECTION 26. Section 126.002(a), Government Code, as transferred and redesignated from Section 169A.002, Health and Safety Code, by Chapters 604 (**SB 536**) and 1236 (**SB 1296**), Acts of the 84th Legislature, Regular Session, 2015, and as amended by Chapters 604 (**SB 536**) and 1273 (**SB 825**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a commercially sexually exploited persons court program for defendants charged with an offense under Section 43.02(a), Penal Code.

SECTION 27. Section 402.035(c), Government Code, as amended by Chapters 146 (**HB 188**), 332 (**HB 10**), and 734 (**HB 1549**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (c) The task force is composed of the following:
- (1) the governor or the governor's designee;
 - (2) the attorney general or the attorney general's designee;
 - (3) the executive commissioner of the Health and Human Services Commission or the executive commissioner's designee;
 - (4) the commissioner of the Department of Family and Protective Services or the commissioner's designee;
 - (5) the commissioner of the Department of State Health Services or the commissioner's designee;
 - (6) the public safety director of the Department of Public Safety or the director's designee;
 - (7) one representative from each of the following state agencies, appointed by the chief administrative officer of the respective agency:
 - (A) the Texas Workforce Commission;
 - (B) the Texas Department of Criminal Justice;
 - (C) the Texas Juvenile Justice Department;
 - (D) the Texas Education Agency;
 - (E) ~~(D)~~ the Texas Alcoholic Beverage Commission;
 - (F) the ~~[Texas]~~ Parks and Wildlife Department; ~~and~~
 - (G) the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families;
 - (H) the Texas Department of Licensing and Regulation;
 - (I) the Office of Court Administration of the Texas Judicial System;
 - (J) the office of the secretary of state; and
 - (K) the Texas Commission on Law Enforcement; and
 - (8) as appointed by the attorney general:
 - (A) a chief public defender employed by a public defender's office, as defined by Article 26.044(a), Code of Criminal Procedure, or an attorney designated by the chief public defender;
 - (B) an attorney representing the state;
 - (C) a representative of:
 - (i) a hotel and motel association;
 - (ii) a district and county attorneys association;
 - (iii) a state police association; and
 - (iv) a statewide medical association;
 - (D) representatives of sheriff's departments;
 - (E) representatives of local law enforcement agencies affected by human trafficking; and

(F) representatives of nongovernmental entities making comprehensive efforts to combat human trafficking by:

- (i) identifying human trafficking victims;
- (ii) providing legal or other services to human trafficking victims;
- (iii) participating in community outreach or public awareness efforts regarding human trafficking;
- (iv) providing or developing training regarding the prevention of human trafficking; or
- (v) engaging in other activities designed to prevent human trafficking.

SECTION 28. Section 402.035(d), Government Code, as amended by Chapters 146 (**HB 188**) and 332 (**HB 10**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices [~~Attorneys' Offices~~] for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

- (i) the Federal Bureau of Investigation;
- (ii) the United States Drug Enforcement Administration;
- (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (iv) United States Immigration and Customs Enforcement; or
- (v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:

- (i) the offense of trafficking of persons;
- (ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and

(iii) an offense punishable under Section 43.02(c-1)(3) [~~43.02(c)(3)~~], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;

(5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

(7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses; ~~and~~

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age; and

(13) ~~(12)~~ identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

SECTION 29. Section 81.046(d), Health and Safety Code, is amended to read as follows:

(d) In a case of sexually transmitted disease involving a minor under 14 ~~13~~ years of age, information may not be released, except that the child's name, age, and address and the name of the disease may be released to appropriate agents as required by Chapter 261, Family Code. This subsection does not affect a person's duty to report child abuse or neglect under Subchapter B, Chapter 261, Family Code, except that information made confidential by this chapter may not be released. If that information is required in a court proceeding involving child abuse, the information shall be disclosed in camera.

SECTION 30. Section 20A.02(b), Penal Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time of ~~the actor commits~~ the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

SECTION 31. Section 21.02(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if:

(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and

(2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 32. Section 21.11(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

SECTION 33. Section 22.011(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if [~~the person~~]:

(1) the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

SECTION 34. Section 22.021(a), Penal Code, is amended to read as follows:

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;

(B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or

(C) the victim is an elderly individual or a disabled individual.

SECTION 35. Section 43.01, Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Fee" means the payment or offer of payment in the form of money, goods, services, or other benefit.

SECTION 36. Sections 43.02(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if [~~in return for receipt of a fee,~~] the person knowingly offers or agrees to receive a fee from another to engage in sexual conduct[-

~~(1) offers to engage, agrees to engage, or engages in sexual conduct; or~~

~~[(2) solicits another in a public place to engage with the actor in sexual conduct for hire].~~

(b) A person commits an offense if ~~[based on the payment of a fee by the actor or another person on behalf of the actor,]~~ the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another~~[-~~

~~[(1) offers to engage, agrees to engage, or engages in sexual conduct; or
(2) solicits another in a public place to engage with the actor in sexual conduct for hire].~~

SECTION 37. Section 43.02, Penal Code, as amended by Chapters 332 (**HB 10**) and 1273 (**SB 825**), Acts of the 84th Legislature, Regular Session, 2015, is amended by reenacting Subsection (c) and reenacting and amending Subsection (c-1) to read as follows:

(c) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (a); or

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (a).

(c-1) An offense under Subsection (b) is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (b);

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under Subsection (b); or

(3) a felony of the second degree if the person with whom the actor agrees to engage in sexual conduct ~~[solicited]~~ is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person ~~[solicited]~~ at the time of the actor commits the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

SECTION 38. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a state jail felony ~~[Class A misdemeanor]~~, except that the offense is:

(1) a felony of the third degree ~~[state jail felony]~~ if the actor has been previously convicted of an offense under this section; or

(2) a felony of the second degree if the actor engages in conduct described by Subsection (a)(1) or (2) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the actor commits the offense.

SECTION 39. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the second ~~[third]~~ degree, except that the offense is a felony of the first degree if the prostitution enterprise uses as a prostitute one or more persons younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the actor commits the offense.

SECTION 40. Section 43.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) causes another by force, threat, or fraud to commit prostitution; or
(2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time of [the actor commits] the offense.

SECTION 41. Section 43.25, Penal Code, is amended by amending Subsections (c) and (e) and adding Subsection (h) to read as follows:

(c) An offense under Subsection (b) is a felony of the second degree, except that the offense is a felony of the first degree if the victim is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

(e) An offense under Subsection (d) is a felony of the third degree, except that the offense is a felony of the second degree if the victim is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the victim at the time of the offense.

(h) Conduct under this section constitutes an offense regardless of whether the actor knows the age of the victim at the time of the offense.

SECTION 42. Section 43.251, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the child is younger than 14 years of age at the time the offense is committed, regardless of whether the actor knows the age of the child at the time of the offense.

(d) Conduct under this section constitutes an offense regardless of whether the actor knows the age of the child at the time of the offense.

SECTION 43. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.035 to read as follows:

Sec. 522.035. RECOGNITION AND PREVENTION OF HUMAN TRAFFICKING. The department shall provide informational materials regarding the recognition and prevention of human trafficking for distribution to commercial driver's license applicants. The department may coordinate with organizations that specialize in the recognition and prevention of human trafficking to provide informational materials as required by this section.

SECTION 44. The following laws are repealed:

- (1) Section 402.035(h), Government Code; and
- (2) Section 43.02(b-1), Penal Code.

SECTION 45. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed,

and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The changes in law made by this Act in amending Chapter 62, Code of Criminal Procedure, apply only to a person who is required to register under Chapter 62, Code of Criminal Procedure, on the basis of a conviction or adjudication for or based on an offense committed on or after the effective date of this Act. A person who is required to register under Chapter 62, Code of Criminal Procedure, solely on the basis of a conviction or adjudication for or based on an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 46. The change in law made by this Act to Chapter 24A, Code of Criminal Procedure, applies only to a subpoena, search warrant, or other court order issued on or after the effective date of this Act. A subpoena, search warrant, or other court order issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 47. (a) The attorney general shall adopt rules to implement Section 102.101, Business & Commerce Code, as added by this Act, not later than September 1, 2018.

(b) Each sexually oriented business shall post the sign required by Section 102.101, Business & Commerce Code, as added by this Act, not later than March 1, 2019.

SECTION 48. (a) Not later than December 1, 2017, the Texas Higher Education Coordinating Board shall adopt rules necessary to implement Section 130.0105, Education Code, as added by this Act.

(b) Not later than December 1, 2017, the Texas Workforce Commission shall adopt rules necessary to implement Section 132.006, Education Code, as added by this Act.

(c) Not later than December 1, 2017, the Department of Public Safety shall provide informational materials as required by Section 522.035, Transportation Code, as added by this Act.

SECTION 49. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 50. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2017.

(b) Section 102.102, Business & Commerce Code, as added by this Act, takes effect March 1, 2019.

Representative S. Thompson moved to adopt the conference committee report on **HB 29**.

The motion to adopt the conference committee report on **HB 29** prevailed by (Record 1998): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Geren; Gutierrez; VanDeaver.

STATEMENT OF VOTE

When Record No. 1998 was taken, I was in the house but away from my desk. I would have voted yes.

VanDeaver

HB 2912 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the following conference committee report on **HB 2912**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2912** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Estes
Garcia
Nelson

P. King
Lambert
Morrison
Dean

On the part of the senate

On the part of the house

HB 2912, A bill to be entitled An Act relating to the creation of the New Fairview Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7987 to read as follows:

CHAPTER 7987. NEW FAIRVIEW MUNICIPAL UTILITY DISTRICT NO. 1
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7987.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the New Fairview Municipal Utility District No. 1.

Sec. 7987.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7987.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7987.004. CONSENT OF MUNICIPALITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The temporary directors may not hold an election under Section 7987.003, undertake an improvement project, impose taxes or fees, or issue bonds or otherwise borrow money until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has:

(1) consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) entered into a development agreement under Section 212.172, Local Government Code, with an owner or owners of a majority of the land described by Section 2 of the Act enacting this chapter.

(b) If a development agreement described by Subsection (a)(2) has not been executed before March 1, 2019:

(1) the temporary directors may not call a confirmation election under Section 7987.003;

(2) the district is dissolved; and

(3) this chapter expires March 1, 2020.

Sec. 7987.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7987.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

Sec. 7987.007. CITY CONSENT TO CREATION OF DISTRICT. The city's consent to the creation of the district is not subject to the limitations on the conditions or other restrictions the city may place on its consent under Section 42.042, Local Government Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7987.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7987.052, directors serve staggered four-year terms.

Sec. 7987.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2017, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 7987.003; or
- (2) September 1, 2021.

(c) If permanent directors have not been elected under Section 7987.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 7987.003; or
- (2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7987.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7987.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7987.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7987.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7987.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7987.106. CITY REQUIREMENTS. An improvement project in the district must comply with applicable requirements of the city, including codes and ordinances, unless a requirement is specifically waived or superseded by a development agreement entered into under Section 7987.107 or another agreement with the city applicable to property located in the district.

Sec. 7987.107. DEVELOPMENT AND OPERATING AGREEMENT REQUIRED. After the district's board is organized, but before the district may undertake any improvement project, impose taxes or fees, or issue bonds or otherwise borrow money, the district must become a party to and assume all applicable obligations, requirements, and limitations in the development agreement entered into between the city and the owner or owners of a majority of land in the district, including any limitation imposed by the city.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7987.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7987.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7987.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7987.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7987.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7987.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7987.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7987.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The New Fairview Municipal Utility District No. 1 initially includes all the territory contained in the following area:

BEING A 634.507 ACRES TRACT OF LAND CALLED OUT OF THE T. CARPENTER SURVEY, ABSTRACT NO. 172 AND THE W. BRAMLETT SURVEY, ABSTRACT NO. 123, WISE COUNTY, TEXAS: BEING ALL OF THOSE CERTAIN TRACTS OF LAND AS DESCRIBED IN VOLUME 155, PAGE 580, & VOLUME 123, PAGE 290, DEED RECORDS, WISE COUNTY, TEXAS, AND CONTAINING ALL OF THOSE CERTAIN TRACTS OF LAND AS DESCRIBED IN CLERK FILE NO. 201600522 & CLERK FILE NO. 201600523, OFFICIAL RECORDS, WISE COUNTY, TEXAS: BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A SET 1/2" IRON ROD WITH PLASTIC CAP IN THE EAST LINE OF THE FORT WORTH & DENVER CITY RAILROAD RIGHT OF WAY, BEING FIFTY FEET EAST OF & PERPENDICULAR TO THE CENTER OF THE EXISTING RAILROAD LINE, AT THE NORTHWEST CORNER OF THE THIRD TRACT (V. 123, P. 290), SAME BEING THE SOUTHWEST CORNER OF A CALLED 30 ACRES TRACT OF LAND DESCRIBED IN VOLUME 5, PAGE 151, D.R.W.C.T., FOR THE NORTHWEST AND BEGINNING CORNER OF THIS TRACT.

THENCE ALONG THE SOUTH & EAST LINES OF SAID 30 ACRES AS FOLLOWS:

1) N 89°35'28" E 2484.06 FEET TO A 4" STEEL FENCE CORNER POST, FOR AN ELL CORNER OF THIS TRACT.

2) N 01°02'34" W 533.58 FEET TO A FOUND 1" IRON PIPE AT THE SOUTHEAST CORNER OF THAT CALLED 187.08 ACRES AS DESCRIBED IN CLERK FILE NO. 201322567, O.R.W.C.T., FOR A CORNER OF THIS TRACT.

3) THENCE N 00°16'14" E 349.12 FEET TO A FOUND 3/8" IRON ROD AT THE SOUTHWEST CORNER OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN VOLUME 1643, PAGE 644, O.R.W.C.T., FOR THE NORTHWEST CORNER OF THIS TRACT.

4) THENCE N 89°40'40" E AT 1203.8 FEET PASS A FOUND 1/2" IRON ROD WITH PLASTIC CAP STAMPED "MANNING" AT THE NORTHWEST CORNER OF THAT CALLED 34.00 ACRES TRACT OF LAND DESCRIBED IN CLERK FILE NO. 201600522, O.R.W.C.T., AT 2609.13 FEET PASS A FOUND 3/8" IRON ROD IN THE FENCED WEST LINE OF PIONEER STREET, A GRAVEL SURFACE, FOR A TOTAL DISTANCE OF 2632.66 FEET TO A POINT, FOR THE NORTHEAST CORNER OF THIS TRACT.

5) THENCE S 00°25'18" E 3975.79 FEET WITHIN SAID PIONEER STREET TO A POINT, AT THE NORTHEAST CORNER OF THAT CALLED 3.673 ACRES CONVEYED TO BRAZOS ELECTRIC POWER COOPERATIVE, INC. IN VOLUME 931, PAGE 495, O.R.W.C.T., FOR A CORNER OF THIS TRACT.

THENCE ALONG THE NORTH, WEST, & SOUTH LINES OF SAID BRAZOS ELECTRIC TRACT AS FOLLOWS:

6) S 89°39'22" W 400.00 FEET TO A FOUND CAPPED 3/4" IRON ROD;

7) S 00°20'10" E 399.94 FEET TO A FOUND CAPPED 3/4" IRON ROD;

8) N 89°39'51" E 400.01 FEET TO A POINT WITHIN SAID PIONEER STREET, FOR A CORNER OF THIS TRACT.

9) THENCE S 00°20'12" E 358.93 FEET WITHIN SAID PIONEER STREET TO A FOUND 3/8" IRON ROD IN THE NORTH LINE OF THAT CALLED 80 ACRES TRACT OF LAND DESCRIBED IN VOLUME 1547, PAGE 588, O.R.W.C.T., FOR THE EASTERLY SOUTHEAST CORNER OF THIS TRACT.

THENCE ALONG THE COMMON LINE OF SAID FIFTH TRACT (V. 123, P. 290) & SAID 80 ACRES TRACT AS FOLLOWS:

10) S 89°16'40" W 2595.51 FEET TO A FOUND 3/8" IRON ROD;

11) S 00°41'22" E 1800.91 FEET TO A POINT WITHIN PIONEER STREET, AN ASPHALT SURFACE, AT THE SOUTHEAST CORNER OF THAT CALLED 22.00 ACRES TRACT OF LAND DESCRIBED IN CLERK FILE NO. 201600523, O.R.W.C.T., FOR THE SOUTHERLY SOUTHEAST CORNER OF THIS TRACT.

12) THENCE N 89°57'00" W WITHIN SAID PIONEER STREET AT 772.70 FEET PASS A FOUND P.K. NAIL IN ASPHALT AT THE SOUTHWEST CORNER OF SAID 22.00 ACRES, FOR A TOTAL DISTANCE OF 2919.89 FEET TO A POINT IN THE SIMPLE CURVE OF A SPIRAL CURVE, BEING THE EAST LINE OF SAID FORT WORTH & DENVER CITY RAILROAD RIGHT OF WAY, FOR THE SOUTHWEST CORNER OF THIS TRACT. WHENCE A FOUND PK NAIL BEARS S 89°57'00" E 1.58 FEET.

THENCE FIFTY FEET EAST OF & PERPENDICULAR TO THE CENTER OF THE EXISTING RAILROAD LINE AS FOLLOWS:

SC1) ALONG THE ARC OF A SIMPLE CURVE TO THE RIGHT, HAVING A RADIUS OF 2873.39 FEET, AN ARC LENGTH OF 195.21 FEET, AND WHOSE CHORD BEARS N 01°50'09" W 195.17 FEET TO A SET 1/2" IRON ROD WITH PLASTIC CAP AT THE CURVE TO SPIRAL, A CHORD BEARS N 02°35'55" E 376.69 FEET TO THE SPIRAL TO TANGENT;

13) N 03°50'04" E 5090.43 FEET TO THE POINT OF BEGINNING. BEARINGS & DISTANCES DERIVED FROM G.P.S. OBSERVATIONS PERFORMED BY CARTER SURVEYING & MAPPING, INC. AND REFLECT SURFACE ADJUSTED, N.A.D. 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, USING TEXAS DEPARTMENT OF TRANSPORTATION SURFACE ADJUSTMENT FACTOR OF 1.00012.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7987, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7987.108 to read as follows:

Sec. 7987.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2017.

Representative P. King moved to adopt the conference committee report on **HB 2912**.

The motion to adopt the conference committee report on **HB 2912** prevailed by (Record 1999): 133 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Cain; Krause; Lang; Leach; Murr; Phillips; Rinaldi; Schaefer; Stickland; Swanson; Tinderholt.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 1999 was taken, I was shown voting yes. I intended to vote no.

Shaheen

HB 3292 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Klick submitted the following conference committee report on **HB 3292**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3292** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Buckingham
Campbell
Kolkhorst
Uresti

On the part of the senate

Klick
C. Anderson
Collier
Frank
Guillen

On the part of the house

HB 3292, A bill to be entitled An Act relating to the continuation of medical assistance for certain individuals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0256 to read as follows:

Sec. 32.0256. CONTINUATION OF MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS. (a) A recipient described by Section 32.025(a) who experiences a temporary increase in income of a duration of one month or less that would result in the recipient being ineligible for medical assistance continues to be eligible for that assistance if the individual:

(1) either:

(A) receives services through a program for individuals with an intellectual or developmental disability authorized under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)); or

(B) resides in an ICF-IID facility; and

(2) continues to meet the functional and diagnostic criteria for the receipt of services under a program described by Subdivision (1)(A) or for residency in an ICF-IID facility.

(b) To continue to be eligible for medical assistance, a recipient described by Subsection (a) must submit an application for medical assistance in accordance with Section 32.025(b) not later than the 90th day after the date on which the recipient is determined ineligible.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. The Health and Human Services Commission is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this Act using other appropriations available for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

Representative Klick moved to adopt the conference committee report on **HB 3292**.

The motion to adopt the conference committee report on **HB 3292** prevailed by (Record 2000): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

HB 3292 - STATEMENT OF LEGISLATIVE INTENT

Representative Klick submitted the following statement for inclusion in the journal:

The conference committee report reads that if an appropriation was not made for the specific purpose of the bill, or the agency cannot find funds to implement provisions of the bill within existing resources, the bill will not be implemented. The bill is very narrow in its scope, applying only to persons with a disability

with an IQ of 75. The person with a disability could only be ineligible for one month; if they are ineligible for longer than one month, these provisions would not apply.

A person with a disability would have 90 days to apply for eligibility for that one and only month, if for some reason beyond their control, they were ineligible. Concerns that a person with a disability could receive continuous eligibility for longer than one month, maybe into perpetuity, are totally incorrect and not allowed by the bill or ever considered by me. Also, **HB 3292** would allow HHSC to require an application to be submitted earlier than the 90-day deadline if needed to secure the federal match.

Providers of long-term services and supports bear the burden of providing services without compensation when a person with a disability temporarily loses their Medicaid eligibility. Currently, we cannot quantify the amount of unreimbursed services in both numbers of persons or the actual unreimbursed costs to providers. If we want these providers to be made whole and treated fairly, we are constrained in the appropriations process in knowing how much we may need appropriated to provide reimbursement for services actually provided. HHSC needs to determine these costs prior to the next legislative session to allow us to make an informed decision. I will work with them to ensure we have that information prior to the 2019 session.

SB 762 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the conference committee report on **SB 762**.

Representative Moody moved to adopt the conference committee report on **SB 762**.

The motion to adopt the conference committee report on **SB 762** prevailed by (Record 2001): 117 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burns; Button; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Sheffield; Shine; Simmons; Smithee; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; Wray; Wu; Zerwas.

Nays — Biedermann; Burrows; Cain; Hefner; Keough; Klick; Krause; Landgraf; Lang; Leach; Murphy; Murr; Paul; Phillips; Rinaldi; Schaefer; Schofield; Schubert; Shaheen; Springer; Stephenson; Stickland; Swanson; Tinderholt; White; Wilson; Workman; Zedler.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Burkett; Coleman; Martinez.

STATEMENTS OF VOTE

When Record No. 2001 was taken, I was in the house but away from my desk. I would have voted yes.

Burkett

When Record No. 2001 was taken, I was shown voting yes. I intended to vote no.

Flynn

When Record No. 2001 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 2001 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez

When Record No. 2001 was taken, I was shown voting no. I intended to vote yes.

Shaheen

HR 2637 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2637**, suspending the limitations on the conferees for **HB 22**.

HR 2619 - ADOPTED (by Schubert)

The following privileged resolution was laid before the house:

HR 2619

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 2014** (the administration of certain water districts) to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 5 of the bill, in amended Section 54.016(a), Water Code, to read as follows:

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls ~~[or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district]~~⊙. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by this chapter ~~[Chapter 54 of the Texas Water Code]~~ other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

Explanation: The change is necessary to clarify that a request to a city for its written consent to the inclusion of land within a district in accordance with Section 42.042, Local Government Code, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTIONS 3 and 4 to the bill to read as follows:

SECTION 3. Section 49.302(b), Water Code, is amended to read as follows:

(b) A petition requesting the annexation of a defined area signed by a majority in value of the owners of land in the defined area, as shown by the tax rolls of the central appraisal district of the county or counties in which such area is located, ~~[or signed by 50 landowners if the number of landowners is more than 50,]~~ shall describe the land by metes and bounds or by lot and block number if there is a recorded plat of the area and shall be filed with the secretary of the board.

SECTION 4. Section 54.014, Water Code, is amended to read as follows:

Sec. 54.014. PETITION. When it is proposed to create a district, a petition requesting creation shall be filed with the commission. The petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. ~~[If there are more than 50 persons holding title to the land in the proposed district, as indicated by the tax rolls of the central appraisal district, the petition is sufficient if it is signed by 50 holders of title to the land.]~~

Explanation: The change is necessary to change the petition requirements for creation of or annexation of land to certain special purpose districts.

HR 2619 was adopted by (Record 2002): 141 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Dean; Phillips.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Pickett; Raney.

STATEMENT OF VOTE

When Record No. 2002 was taken, I was shown voting no. I intended to vote yes.

Dean

SB 2014 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Schubert submitted the conference committee report on **SB 2014**.

Representative Schubert moved to adopt the conference committee report on **SB 2014**.

The motion to adopt the conference committee report on **SB 2014** prevailed by (Record 2003): 144 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Cain; Stickland.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Hinojosa.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HB 557 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Collier submitted the following conference committee report on **HB 557**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 557** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Burton	Collier
Hughes	White
Creighton	Minjarez
Rodriguez	González
Whitmire	S. Thompson
On the part of the senate	On the part of the house

HB 557, A bill to be entitled An Act relating to the expunction of arrest records and files for certain persons and to the return of certain fees to a person whose criminal record has been expunged; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (c) and subject to Subsection (b-1), a district court, a justice court, or a municipal court of record may expunge all records and files relating to the arrest of a person [~~who has been arrested for commission of a felony or misdemeanor~~] under the procedure established under Article 55.02 if:

(1) the person is:

(A) tried for the offense for which the person was arrested;

(B) convicted of the offense; and

(C) acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2) an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the [~~appropriate district~~] court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense.

(b-1) A justice court or a municipal court of record may only expunge records and files under Subsection (b) that relate to the arrest of a person for an offense punishable by fine only.

SECTION 2. Section 1, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. At the request of the acquitted person [~~defendant~~] and after notice to the state, or at the request of the attorney for the state with the consent of the acquitted person, the trial court presiding over the case in which the person [~~defendant~~] was acquitted, if the trial court is a district court, a justice court, or a municipal court of record, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(A) not later than the 30th day after the date of the acquittal. On [~~Upon~~] acquittal, the trial court shall advise the acquitted person

[defendant] of the right to expunction. The party requesting the order of expunction [defendant] shall provide to the [district] court all of the information required in a petition for expunction under Section 2(b). The attorney for the acquitted person [defendant] in the case in which the person [defendant] was acquitted, if the person [defendant] was represented by counsel, or the attorney for the state, if the person [defendant] was not represented by counsel or if the attorney for the state requested the order of expunction, shall prepare the order for the court's signature.

SECTION 3. Section 1a(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) The trial court presiding over a case in which a person [defendant] is convicted and subsequently granted relief or pardoned on the basis of actual innocence of the offense of which the person [defendant] was convicted, if the trial court is a district court, a justice court, or a municipal court of record, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(B)(ii) not later than the 30th day after the date the court receives notice of the pardon or other grant of relief. The person shall provide to the [district] court all of the information required in a petition for expunction under Section 2(b).

SECTION 4. Section 2, Article 55.02, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) A person who is entitled to expunction of records and files under Article 55.01(a)(1)(A), 55.01(a)(1)(B)(i), or 55.01(a)(2) or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a district court for the county in which:

- (1) the petitioner was arrested; or
- (2) the offense was alleged to have occurred.

(a-1) If the arrest for which expunction is sought is for an offense punishable by fine only, a person who is entitled to expunction of records and files under Article 55.01(a) or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a justice court or a municipal court of record in the county in which:

- (1) the petitioner was arrested; or
- (2) the offense was alleged to have occurred.

(b) A ~~The~~ petition filed under Subsection (a) or (a-1) must be verified and must include the following or an explanation for why one or more of the following is not included:

- (1) the petitioner's:
 - (A) full name;
 - (B) sex;
 - (C) race;
 - (D) date of birth;
 - (E) driver's license number;
 - (F) social security number; and
 - (G) address at the time of the arrest;

- (2) the offense charged against the petitioner;
- (3) the date the offense charged against the petitioner was alleged to have been committed;
- (4) the date the petitioner was arrested;
- (5) the name of the county where the petitioner was arrested and if the arrest occurred in a municipality, the name of the municipality;
- (6) the name of the agency that arrested the petitioner;
- (7) the case number and court of offense; and
- (8) together with the applicable physical or e-mail addresses, a list of all:

(A) law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(B) central federal depositories of criminal records that the petitioner has reason to believe have records or files that are subject to expunction; and

(C) private entities that compile and disseminate for compensation criminal history record information that the petitioner has reason to believe have information related to records or files that are subject to expunction.

SECTION 5. Article 102.006, Code of Criminal Procedure, is amended to read as follows:

Art. 102.006. FEES IN EXPUNCTION PROCEEDINGS. (a) In addition to any other fees required by other law and except as provided by Subsection (b), a petitioner seeking expunction of a criminal record in a district court shall pay the following fees:

- (1) the fee charged for filing an ex parte petition in a civil action in district court;
- (2) \$1 plus postage for each certified mailing of notice of the hearing date; and
- (3) \$2 plus postage for each certified mailing of certified copies of an order of expunction.

(a-1) In addition to any other fees required by other law and except as provided by Subsection (b), a petitioner seeking expunction of a criminal record in a justice court or a municipal court of record under Chapter 55 shall pay a fee of \$100 for filing an ex parte petition for expunction to defray the cost of notifying state agencies of orders of expunction under that chapter.

(b) The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if:

- (1) the petitioner seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c); and
- (2) the petition for expunction is filed not later than the 30th day after the date of the acquittal.

(c) A court that grants a petition for expunction of a criminal record may order that any fee, or portion of a fee, required to be paid under Subsection (a) be returned to the petitioner.

SECTION 6. Section 27.031, Government Code, is amended by adding Subsection (e) to read as follows:

(e) A justice court has concurrent jurisdiction with a district court and a municipal court of record over expunction proceedings relating to the arrest of a person for an offense punishable by fine only.

SECTION 7. Section 30.00005, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The court has concurrent jurisdiction with a district court and a justice court over expunction proceedings relating to the arrest of a person for an offense punishable by fine only.

SECTION 8. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.02101 to read as follows:

Sec. 103.02101. ADDITIONAL FEE IN CERTAIN EXPUNCTION CASES: CODE OF CRIMINAL PROCEDURE. A petitioner filing an ex parte petition for expunction in a justice court or a municipal court of record shall pay a fee under Article 102.006, Code of Criminal Procedure, of \$100 to defray the costs of notifying state agencies of orders of expunction.

SECTION 9. Section 202.001(b), Local Government Code, is amended to read as follows:

(b) The following records may be destroyed without meeting the conditions of Subsection (a):

(1) records the destruction or obliteration of which is directed by an expunction order issued by a [district] court pursuant to state law; and

(2) records defined as exempt from scheduling or filing requirements by rules adopted by the commission or listed as exempt in a records retention schedule issued by the commission.

SECTION 10. (a) Except as otherwise provided by this section, this Act applies to an expunction of records and files relating to any criminal offense that occurred before, on, or after the effective date of this Act.

(b) Section 1, Article 55.02, Code of Criminal Procedure, as amended by this Act, applies only to the expunction of arrest records and files related to a criminal offense for which the trial of the offense begins on or after the effective date of this Act. The expunction of arrest records and files under Section 1, Article 55.02, Code of Criminal Procedure, related to a criminal offense for which the trial of the offense begins before the effective date of this Act is governed by the law in effect on the date the trial begins, and the former law is continued in effect for that purpose.

(c) Article 102.006(c), Code of Criminal Procedure, as added by this Act, applies only to a petition for expunction filed on or after the effective date of this Act. A petition for expunction filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

SECTION 11. This Act takes effect September 1, 2017.

Representative Collier moved to adopt the conference committee report on **HB 557**.

The motion to adopt the conference committee report on **HB 557** prevailed by (Record 2004): 139 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospér; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Bonnen, D.; Cain; Craddick; Keough; Murr; Phillips; Price.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

HR 2628 - ADOPTED
(by G. Bonnen)

The following privileged resolution was laid before the house:

HR 2628

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1148** (maintenance of certification by a physician or an applicant for a license to practice medicine in this state) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding SECTION 3 to the bill to read as follows:

SECTION 3. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.0515 to read as follows:

Sec. 151.0515. DISCRIMINATION BASED ON MAINTENANCE OF CERTIFICATION. (a) Except as otherwise provided by this section, the following entities may not differentiate between physicians based on a physician's maintenance of certification:

(1) a health facility that is licensed under Subtitle B, Title 4, Health and Safety Code, or a mental hospital that is licensed under Chapter 577, Health and Safety Code, if the facility or hospital has an organized medical staff or a process for credentialing physicians;

(2) a hospital that is owned or operated by this state;

(3) an institution or program that is owned, operated, or licensed by this state, including an institution or program that directly or indirectly receives state financial assistance, if the institution or program:

(A) has an organized medical staff or a process for credentialing physicians on its staff; and

(B) is not a medical school, as defined by Section 61.501, Education Code, or a comprehensive cancer center, as designated by the National Cancer Institute; or

(4) an institution or program that is owned, operated, or licensed by a political subdivision of this state, if the institution or program has an organized medical staff or a process for credentialing physicians on its staff.

(b) An entity described by Subsection (a) may differentiate between physicians based on a physician's maintenance of certification if:

(1) the entity's designation under law or certification or accreditation by a national certifying or accrediting organization is contingent on the entity requiring a specific maintenance of certification by physicians seeking staff privileges or credentialing at the entity; and

(2) the differentiation is limited to those physicians whose maintenance of certification is required for the entity's designation, certification, or accreditation as described by Subdivision (1).

(c) An entity described by Subsection (a) may differentiate between physicians based on a physician's maintenance of certification if the voting physician members of the entity's organized medical staff vote to authorize the differentiation.

(d) An authorization described by Subsection (c) may:

(1) be made only by the voting physician members of the entity's organized medical staff and not by the entity's governing body, administration, or any other person;

(2) subject to Subsection (e), establish terms applicable to the entity's differentiation, including:

(A) appropriate grandfathering provisions; and

(B) limiting the differentiation to certain medical specialties; and

(3) be rescinded at any time by a vote of the voting physician members of the entity's organized medical staff.

(e) Terms established under Subsection (d)(2) may not conflict with a maintenance of certification requirement applicable to the entity's designation under law or certification or accreditation by a national certifying or accrediting organization.

Explanation: The change is necessary to provide that certain entities may not differentiate between physicians based on a physician's maintenance of certification except in certain circumstances.

HR 2628 was adopted by (Record 2005): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

SB 1148 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the conference committee report on **SB 1148**.

SB 1148 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PRICE: Just a few questions. Is it your intention that **SB 1148** allows hospitals or other entities under the bill to require maintenance of certification when necessary for designation, certification, or accreditation purposes, and this includes state trauma, stroke, maternal and neonatal designation, and federal requirements from CMS, the joint commission, the DMV, and ACGME?

REPRESENTATIVE G. BONNEN: Yes, so a hospital may require maintenance of certification when required for designation certification or accreditation by those entities or others that would fall within the specific language that is clearly delineated in the bill.

PRICE: **SB 1148** will also allow a hospital or entity under the bill to determine the standards of its own workforce by a vote of its organized medical staff, meaning an entity under this bill may ultimately determine its own privileging standards through its bylaws process which includes CMS requirements for governing the body of approval. Is that accurate?

G. BONNEN: The bill is not intended to in any way disrupt CMS Medicare conditions of participation or any other federal regulation. Federal regulations do not actually require maintenance of certification. So it will be up to the medical staff to make that determination. The medical staff and the governing body will still have to work together to make sure that they comply with federal regulations.

PRICE: And is it your intention that **SB 1148** and its requirements for medical staff authorization of MOC will work in concert with existing requirements for medical staff bylaws and privileging from CMS, CMS Medicare conditions of participation, and the joint commission?

G. BONNEN: That's correct. My intention here is for **SB 1148** to work in concert with the existing federal bylaws and privileging requirements.

REMARKS ORDERED PRINTED

Representative Price moved to print remarks between Representative G. Bonnen and Representative Price.

The motion prevailed.

Representative G. Bonnen moved to adopt the conference committee report on **SB 1148**.

The motion to adopt the conference committee report on **SB 1148** prevailed by (Record 2006): 144 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Minjarez; Rose.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Cosper; Dukes.

STATEMENT OF VOTE

When Record No. 2006 was taken, I was shown voting no. I intended to vote yes.

Rose

HB 2442 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative K. King submitted the following conference committee report on **HB 2442**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2442** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

L. Taylor
Bettencourt
Campbell
Huffines

K. King
Bernal
Dutton
Huberty
VanDeaver

On the part of the senate

On the part of the house

HB 2442, A bill to be entitled An Act relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate ~~[so that the district provides]~~ for at least 75,600 minutes, including time allocated for [of] instruction, ~~[including]~~ intermissions, and recesses~~[r]~~ for students.

(b) The commissioner may approve the operation of schools ~~[instruction of students]~~ for fewer than the number of minutes required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced operation [~~instruction~~] time under Subsection (b), a school district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes [~~of instruction~~] lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

(d) The commissioner may adopt rules to implement this section, including rules:

(1) for the application, on the basis of the minimum minutes of operation [~~instruction~~] required by Subsection (a), of any provision of this title that refers to a minimum number of days of instruction under this section;

(2) to determine the minutes of operation that are equivalent to a day;

(3) defining minutes of operation and instructional time; and

(4) establishing the minimum number of minutes of instructional time required for a full-day and a half-day program to meet the time requirements under Subsection (a).

(e) A school district or education program is exempt from the minimum minutes of operation requirement if the district's or program's average daily attendance is calculated under Section 42.005(j) [For purposes of this code, a reference to a day of instruction means 420 minutes of instruction].

(f) The commissioner may proportionally reduce the amount of funding a district receives under Chapter 41, 42, or 46 and the average daily attendance calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required under Subsection (a).

SECTION 2. The heading to Section 25.082, Education Code, is amended to read as follows:

Sec. 25.082. [~~SCHOOL DAY;~~] PLEDGES OF ALLEGIANCE; MINUTE OF SILENCE.

SECTION 3. Section 29.0822(c), Education Code, is amended to read as follows:

(c) Except in the case of a course designed for a student described by Subsection (a)(3), a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of minutes of operation [~~instructional days~~] under Section 25.081 [~~and the required length of school day under Section 25.082~~].

SECTION 4. Section 29.087(j), Education Code, is amended to read as follows:

(j) For purposes of funding under Chapters 41, 42, and 46, a student attending a program authorized by this section may be counted in attendance only for the actual number of hours each school day the student attends the program, in accordance with Section [~~Sections~~] 25.081 [~~and 25.082~~].

SECTION 5. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.162 to read as follows:

Sec. 29.162. DETERMINATION OF FULL-DAY AND HALF-DAY. The commissioner may adopt rules for this subchapter establishing full-day and half-day minutes of operation requirements as provided by Section 25.081.

SECTION 6. Section 30A.104(a), Education Code, is amended to read as follows:

(a) A course offered through the state virtual school network must:

(1) be in a specific subject that is part of the required curriculum under Section 28.002(a);

(2) be aligned with the essential knowledge and skills identified under Section 28.002(c) for a grade level at or above grade level three; and

(3) be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during[=

~~(A)] a semester of 90 instructional days[=and~~

~~(B) a school day that meets the minimum length of a school day required under Section 25.082].~~

SECTION 7. Section 37.008(a), Education Code, is amended to read as follows:

(a) Each school district shall provide a disciplinary alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

(5) provides for students' educational and behavioral needs;

(6) provides supervision and counseling; and

(7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21[=and

~~(8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a)].~~

SECTION 8. Section 42.005, Education Code, is amended by amending Subsection (a) and adding Subsections (g-1) and (i) through (n) to read as follows:

(a) In this chapter, average daily attendance is:

(1) the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction;

(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821(b)(1) divided by the number of actual days of instruction as permitted by Section 29.0821(b)(1); ~~or~~

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Sections 29.0822(d) and (d-1); or

(4) for a district that operates a half-day program, one-half of the average daily attendance calculated under Subdivision (1).

(g-1) The commissioner shall adopt rules to calculate average daily attendance for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.

(i) A district or a charter school operating under Chapter 12 that operates a prekindergarten program is eligible to receive one-half of average daily attendance under Subsection (a) if the district's or charter school's prekindergarten program provides at least 32,400 minutes of instructional time to students.

(j) A district or charter school is eligible to earn full average daily attendance under Subsection (a) if the district or school provides at least 43,200 minutes of instructional time to students enrolled in:

(1) a dropout recovery school or program operating under Section 12.1141(c) or Section 39.0548;

(2) an alternative education program operating under Section 37.008;

(3) a school program located at a day treatment facility, residential treatment facility, psychiatric hospital, or medical hospital;

(4) a school program offered at a correctional facility; or

(5) a school operating under Section 29.259.

(k) A charter school operating under a charter granted under Chapter 12 before January 1, 2015, is eligible to earn full average daily attendance under Subsection (a), as that subsection existed immediately before September 1, 2015, for:

(1) all campuses of the charter school operating before January 1, 2015;

and

(2) any campus or site expansion approved on or after January 1, 2015, provided that the charter school received an academic accountability performance rating of C or higher, and the campus or site expansion is approved by the commissioner.

(l) A school district campus or charter school described by Subsection (j) may operate more than one program and be eligible for full average daily attendance for each program if the programs operated by the district campus or charter school satisfy all applicable state and federal requirements.

(m) The commissioner shall adopt rules necessary to implement this section, including rules that:

(1) establish the minimum amount of instructional time per day that allows a school district or charter school to be eligible for full average daily attendance, which may differ based on the instructional program offered by the district or charter school;

(2) establish the requirements necessary for a school district or charter school to be eligible for one-half of average daily attendance, which may differ based on the instructional program offered by the district or charter school; and

(3) proportionally reduce the average daily attendance for a school district if any campus or instructional program in the district provides fewer than the required minimum minutes of instruction to students.

(n) To assist school districts in implementing this section as amended by **HB 2442**, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation, the commissioner may waive a requirement of this section or adopt rules to implement this section. This subsection expires at the end of the 2018-2019 school year.

SECTION 9. Section 25.082(a), Education Code, is repealed.

SECTION 10. (a) Except as provided by Subsection (b), this Act applies beginning with the 2018-2019 school year.

(b) Section 42.005(n), Education Code, as added by this Act, applies beginning on the effective date of this Act.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HB 2442 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VANDEAVER: Representative King, when you laid this bill out, the companion of this bill out in the house, we had an amendment offered, and this house took a very strong vote. Actually, I think it was more than two-thirds of the members present against mandating a uniform start date on local school districts, districts of innovation. Is that correct?

REPRESENTATIVE K. KING: That is correct.

VANDEAVER: I know the conference committee report keeps the flexibility for those districts, but the rulemaking that's provided in this bill to the commissioner, I just want to clarify, is it your intent and your understanding that that does not give the commissioner the authority to impose a uniform start date on any districts?

K. KING: Thank you for that question, Representative VanDeaver. In no way, shape, or form am I directing the commissioner to do anything to the start date status of districts of innovation.

REMARKS ORDERED PRINTED

Representative VanDeaver moved to print remarks between Representative K. King and Representative VanDeaver.

The motion prevailed.

Representative K. King moved to adopt the conference committee report on **HB 2442**.

The motion to adopt the conference committee report on **HB 2442** prevailed by (Record 2007): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn;

Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes.

HB 150 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Bell submitted the following conference committee report on **HB 150**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
 President of the Senate

The Honorable Joe Straus
 Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 150** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Creighton
 Buckingham
 Hall
 Huffines
 Lucio

Bell
 J. Johnson
 Springer
 Guillen
 Shine

On the part of the senate

On the part of the house

HB 150, A bill to be entitled An Act relating to the exemption from ad valorem taxation of, and the deferral or abatement of ad valorem taxes on, certain residence homesteads.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.132(b), Tax Code, is amended to read as follows:

(b) A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization:

(1) at no cost to the disabled veteran; or

(2) at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

SECTION 2. Section 33.06(d), Tax Code, is amended to read as follows:

(d) A tax lien remains on the property and interest continues to accrue during the period collection of taxes is deferred or abated under this section. The annual interest rate during the deferral or abatement period is five [~~eight~~] percent instead of the rate provided by Section 33.01. Interest and penalties that accrued or that were incurred or imposed under Section 33.01 or 33.07 before the date the individual files the deferral affidavit under Subsection (b) or the date the judgment abating the suit is entered, as applicable, are preserved. A penalty under Section 33.01 is not incurred during a deferral or abatement period. The additional penalty under Section 33.07 may be imposed and collected only if the taxes for which collection is deferred or abated remain delinquent on or after the 181st day after the date the deferral or abatement period expires. A plea of limitation, laches, or want of prosecution does not apply against the taxing unit because of deferral or abatement of collection as provided by this section.

SECTION 3. Section 11.132(b), Tax Code, as amended by this Act, applies only to ad valorem taxes imposed for an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 4. Section 33.06(d), Tax Code, as amended by this Act, applies only to interest that accrues during a deferral or abatement period on or after the effective date of this Act, regardless of whether the deferral or abatement period began before that date or begins on or after that date. Interest that accrued during a deferral or abatement period before the effective date of this Act is governed by the law in effect when the interest accrued, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect January 1, 2018, but only if the constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead and harmonizing certain related provisions of the Texas Constitution is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Representative Bell moved to adopt the conference committee report on **HB 150**.

The motion to adopt the conference committee report on **HB 150** prevailed by (Record 2008): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel.

SB 1625 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Cortez submitted the conference committee report on **SB 1625**.

Representative Cortez moved to adopt the conference committee report on **SB 1625**.

The motion to adopt the conference committee report on **SB 1625** prevailed by (Record 2009): 117 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Cyrier; Fallon; Geren; Goldman; Hefner; Hunter; Keough; Krause; Landgraf; Lang; Leach; Phillips; Rinaldi; Sanford; Schaefer; Shaheen; Simmons; Springer; Stickland; Swanson; Tinderholt; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dean; Parker.

STATEMENTS OF VOTE

When Record No. 2009 was taken, I was in the house but away from my desk. I would have voted no.

Dean

When Record No. 2009 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 2009 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 1549 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burkett submitted the following conference committee report on **HB 1549**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1549** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kolkhorst
Bettencourt
Perry
Schwertner
Uresti

On the part of the senate

Burkett
Rose
Raymond
Dale
Simmons

On the part of the house

HB 1549, A bill to be entitled An Act relating to the provision of services by the Department of Family and Protective Services, including child protective services and prevention and early intervention services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 261.204(a), Family Code, is amended to read as follows:

(a) Not later than March 1 of each year, the ~~[The]~~ department shall publish an ~~[annual]~~ aggregated report using information compiled from each child fatality investigation for which the department made a finding regarding abuse or neglect, including cases in which the department determined the fatality was not the result of abuse or neglect. The report must protect the identity of individuals involved and contain the following information:

(1) the age and sex of the child and the county in which the fatality occurred;

(2) whether the state was the managing conservator of the child or whether the child resided with the child's parent, managing conservator, guardian, or other person entitled to the possession of the child at the time of the fatality;

(3) the relationship to the child of the individual alleged to have abused or neglected the child, if any;

(4) the number of any department abuse or neglect investigations involving the child or the individual alleged to have abused or neglected the child during the two years preceding the date of the fatality and the results of the investigations;

(5) whether the department offered family-based safety services or conservatorship services to the child or family;

(6) the types of abuse and neglect alleged in the reported investigations, if any; and

(7) any trends identified in the investigations contained in the report.

SECTION 2. Section 261.301, Family Code, is amended by adding Subsection (j) to read as follows:

(j) In geographic areas with demonstrated need, the department shall designate employees to serve specifically as investigators and responders for after-hours reports of child abuse or neglect.

SECTION 3. Section 264.1075, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) As soon as possible after a child is placed in the managing conservatorship of the department ~~[begins receiving foster care under this subchapter]~~, the department shall assess whether the child has a developmental or intellectual disability.

(c) If the assessment required by Subsection (b) indicates that the child might have an intellectual disability, the department shall ensure that a referral for a determination of intellectual disability is made as soon as possible and that the determination is conducted by an authorized provider before the date of the child's 16th birthday, if practicable. If the child is placed in the managing conservatorship of the department after the child's 16th birthday, the determination of intellectual disability must be conducted as soon as possible after the assessment required by Subsection (b). In this subsection, "authorized provider" has the meaning assigned by Section 593.004, Health and Safety Code.

SECTION 4. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1261 to read as follows:

Sec. 264.1261. FOSTER CARE CAPACITY NEEDS PLAN. (a) In this section, "community-based foster care" means the redesigned foster care services system required by Chapter 598 (S.B. 218), Acts of the 82nd Legislature, Regular Session, 2011.

(b) Appropriate department management personnel from a child protective services region in which community-based foster care has not been implemented, in collaboration with foster care providers, faith-based entities, and child advocates in that region, shall use data collected by the department on foster care capacity needs and availability of each type of foster care and kinship placement in the region to create a plan to address the substitute care capacity needs in the region. The plan must identify both short-term and long-term goals and strategies for addressing those capacity needs.

(c) A foster care capacity needs plan developed under Subsection (b) must be:

(1) submitted to and approved by the commissioner; and

(2) updated annually.

(d) The department shall publish each initial foster care capacity needs plan and each annual update to a plan on the department's Internet website.

SECTION 5. Sections 264.502(a) and (b), Family Code, are amended to read as follows:

(a) The child fatality review team committee is composed of:

(1) a person appointed by and representing the state registrar of vital statistics;

(2) a person appointed by and representing the commissioner of the department;

(3) a person appointed by and representing the Title V director of the Department of State Health Services; ~~and~~

(4) a person appointed by and representing the speaker of the house of representatives;

(5) a person appointed by and representing the lieutenant governor;

(6) a person appointed by and representing the governor; and

(7) individuals selected under Subsection (b).

(b) The members of the committee who serve under Subsections (a)(1) through (6) ~~(3)~~ shall select the following additional committee members:

(1) a criminal prosecutor involved in prosecuting crimes against children;

(2) a sheriff;

(3) a justice of the peace;

(4) a medical examiner;

(5) a police chief;

(6) a pediatrician experienced in diagnosing and treating child abuse and neglect;

(7) a child educator;

(8) a child mental health provider;

(9) a public health professional;

(10) a child protective services specialist;

- (11) a sudden infant death syndrome family service provider;
- (12) a neonatologist;
- (13) a child advocate;
- (14) a chief juvenile probation officer;
- (15) a child abuse prevention specialist;
- (16) a representative of the Department of Public Safety;
- (17) a representative of the Texas Department of Transportation;
- (18) an emergency medical services provider; and
- (19) a provider of services to, or an advocate for, victims of family

violence.

SECTION 6. Section 264.503, Family Code, is amended by amending Subsections (d) and (e) and adding Subsection (h) to read as follows:

(d) The Department of State Health Services shall:

- (1) recognize the creation and participation of review teams;
- (2) promote and coordinate training to assist the review teams in carrying out their duties;
- (3) assist the committee in developing model protocols for:
 - (A) the reporting and investigating of child fatalities for law enforcement agencies, child protective services, justices of the peace and medical examiners, and other professionals involved in the investigations of child deaths;
 - (B) the collection of data regarding child deaths; and
 - (C) the operation of the review teams;
- (4) develop and implement procedures necessary for the operation of the committee; ~~and~~
- (5) develop and make available training for justices of the peace and medical examiners regarding inquests in child death cases; and

(6) promote education of the public regarding the incidence and causes of child deaths, the public role in preventing child deaths, and specific steps the public can undertake to prevent child deaths.

(e) In addition to the duties under Subsection (d), the Department of State Health Services shall:

- (1) collect data under this subchapter and coordinate the collection of data under this subchapter with other data collection activities; ~~and~~
- (2) perform annual statistical studies of the incidence and causes of child fatalities using the data collected under this subchapter; and
- (3) evaluate the available child fatality data and use the data to create public health strategies for the prevention of child fatalities.

(h) Each member of the committee must be a member of the child fatality review team in the county where the committee member resides unless the committee member is an appointed representative of a state agency.

SECTION 7. Subchapter F, Chapter 264, Family Code, is amended by adding Sections 264.5031 and 264.5032 to read as follows:

Sec. 264.5031. COLLECTION OF NEAR FATALITY DATA. (a) In this section, "near fatality" means a case where a physician has certified that a child is in critical or serious condition, and a caseworker determines that the child's condition was caused by the abuse or neglect of the child.

(b) The department shall include near fatality child abuse or neglect cases in the child fatality case database, for cases in which child abuse or neglect is determined to have been the cause of the near fatality. The department must also develop a data collection strategy for near fatality child abuse or neglect cases.

Sec. 264.5032. REPORT ON CHILD FATALITY AND NEAR FATALITY DATA. (a) The department shall produce an aggregated report relating to child fatality and near fatality cases resulting from child abuse or neglect containing the following information:

(1) any prior contact the department had with the child's family and the manner in which the case was disposed, including cases in which the department made the following dispositions:

(A) priority none or administrative closure;

(B) call screened out;

(C) alternative or differential response provided;

(D) unable to complete the investigation;

(E) unable to determine whether abuse or neglect occurred;

(F) reason to believe abuse or neglect occurred; or

(G) child removed and placed into substitute care;

(2) for any case investigated by the department involving the child or the child's family:

(A) the number of caseworkers assigned to the case before the fatality or near fatality occurred; and

(B) the caseworker's caseload at the time the case was opened and at the time the case was closed;

(3) for any case in which the department investigation concluded that there was reason to believe that abuse or neglect occurred, and the family was referred to family-based safety services:

(A) the safety plan provided to the family;

(B) the services offered to the family; and

(C) the level of compliance with the safety plan or completion of the services by the family;

(4) the number of contacts the department made with children and families in family-based safety services cases; and

(5) the initial and attempted contacts the department made with child abuse and neglect victims.

(b) In preparing the part of the report required by Subsection (a)(1), the department shall include information contained in department records retained in accordance with the department's records retention schedule.

(c) The report produced under this section must protect the identity of individuals involved in a case that is included in the report.

(d) The department may combine the report required under this section with the annual child fatality report required to be produced under Section 261.204.

SECTION 8. Sections 264.505(a) and (c), Family Code, are amended to read as follows:

(a) A multidisciplinary and multiagency child fatality review team may be established for a county to review child deaths in that county. A ~~review team for a~~ county ~~[with a population of less than 50,000]~~ may join with an adjacent county or counties to establish a combined review team.

(c) A review team must reflect the diversity of the county's population and may include:

(1) a criminal prosecutor involved in prosecuting crimes against children;

(2) a sheriff;

(3) a justice of the peace or medical examiner;

(4) a police chief;

(5) a pediatrician experienced in diagnosing and treating child abuse and neglect;

(6) a child educator;

(7) a child mental health provider;

(8) a public health professional;

(9) a child protective services specialist;

(10) a sudden infant death syndrome family service provider;

(11) a neonatologist;

(12) a child advocate;

(13) a chief juvenile probation officer; and

(14) a child abuse prevention specialist.

SECTION 9. Section 264.506(b), Family Code, is amended to read as follows:

(b) To achieve its purpose, a review team shall:

(1) adapt and implement, according to local needs and resources, the model protocols developed by the department and the committee;

(2) meet on a regular basis to review child fatality cases and recommend methods to improve coordination of services and investigations between agencies that are represented on the team;

(3) collect and maintain data as required by the committee; ~~and~~

(4) review and analyze the collected data to identify any demographic trends in child fatality cases, including whether there is a disproportionate number of child fatalities in a particular population group or geographic area; and

(5) submit to the vital statistics unit data reports on deaths reviewed as specified by the committee.

SECTION 10. Section 264.509, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The Department of State Health Services shall provide a review team with electronic access to the preliminary death certificate for a deceased child.

SECTION 11. (a) Section 264.514, Family Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) The commissioners court of a county shall adopt regulations relating to the timeliness for conducting an inquest into the death of a child. The regulations adopted under this subsection must be as stringent as the standards

issued by the National Association of Medical Examiners unless the commissioners court determines that it would be cost prohibitive for the county to comply with those standards.

(b) The medical examiner or justice of the peace shall immediately notify an appropriate local law enforcement agency if the medical examiner or justice of the peace determines that the death is unexpected or the result of abuse or neglect, and that agency shall investigate the child's death. The medical examiner or justice of the peace shall notify the appropriate county child fatality review team of the child's death not later than the 120th day after the date the death is reported.

(b) A county must attempt to implement the timeliness standards for inquests as described by Section 264.514(a-1), Family Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 12. Section 264.903, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department shall expedite the evaluation of a potential caregiver under this section to ensure that the child is placed with a caregiver who has the ability to protect the child from the alleged perpetrator of abuse or neglect against the child.

SECTION 13. Section 265.005(b), Family Code, is amended to read as follows:

(b) A strategic plan required under this section must:

(1) identify methods to leverage other sources of funding or provide support for existing community-based prevention efforts;

(2) include a needs assessment that identifies programs to best target the needs of the highest risk populations and geographic areas;

(3) identify the goals and priorities for the department's overall prevention efforts;

(4) report the results of previous prevention efforts using available information in the plan;

(5) identify additional methods of measuring program effectiveness and results or outcomes;

(6) identify methods to collaborate with other state agencies on prevention efforts; ~~and~~

(7) identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals; and

(8) identify strategies and goals for increasing the number of families receiving prevention and early intervention services each year, subject to the availability of funds, to reach targets set by the department for providing services to families that are eligible to receive services through parental education, family support, and community-based programs financed with federal, state, local, or private resources.

SECTION 14. Subchapter A, Chapter 265, Family Code, is amended by adding Sections 265.007 and 265.008 to read as follows:

Sec. 265.007. IMPROVING PROVISION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) To improve the effectiveness and delivery of prevention and early intervention services, the department shall:

(1) identify geographic areas that have a high need for prevention and early intervention services but do not have prevention and early intervention services available in the area or have only unevaluated prevention and early intervention services available in the area; and

(2) develop strategies for community partners to:

(A) improve the early recognition of child abuse or neglect;

(B) improve the reporting of child abuse and neglect; and

(C) reduce child fatalities.

(b) The department may not use data gathered under this section to identify a specific family or individual.

Sec. 265.008. EVALUATION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) The department may enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention services provided under this chapter that have not previously been evaluated for effectiveness in a research evaluation. The efficacy review shall include, when possible, a cost-benefit analysis of the program to the state and, when applicable, the return on investment of the program to the state.

(b) The department may not enter into an agreement to conduct a program efficacy evaluation under this section unless:

(1) the agreement with the institution of higher education is cost neutral; and

(2) the department and institution of higher education conducting the evaluation under this section protect the identity of individuals who are receiving services from the department that are being evaluated.

SECTION 15. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.038 to read as follows:

Sec. 40.038. SECONDARY TRAUMA SUPPORT FOR CASEWORKERS. (a) In this section, "secondary trauma" means trauma incurred as a consequence of a person's exposure to acute or chronic trauma.

(b) The department shall develop and make available a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of the caseworker's employment. The program must include critical incident stress debriefing. The department may not require that a caseworker participate in the program.

SECTION 16. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0516 to read as follows:

Sec. 40.0516. COLLECTION OF DATA; ANNUAL REPORT. (a) The department shall collect and compile the following data on the state and county level:

(1) the following information for reports of abuse and neglect in residential child-care facilities, as defined by Section 42.002:

(A) the number of reports of abuse and neglect made to the department hotline;

(B) the types of abuse and neglect reported;

(C) the investigation priority level assigned to each report;

(D) the investigation response times, sorted by investigation priority;

(E) the disposition of each investigation;

(F) the number of reports of abuse and neglect to which the department assigned a disposition of call screened out or alternative or differential response provided; and

(G) the overall safety and risk finding for each investigation;

(2) the number of families referred to family preservation services, organized by the risk level assigned to each family through structured decision-making;

(3) the number of children removed from the child's home as the result of an investigation of a report of abuse or neglect and the primary circumstances that contributed to the removal;

(4) the number of children placed in substitute care, organized by type of placement;

(5) the number of children placed out of the child's home county or region;

(6) the number of children in the conservatorship of the department at each service level;

(7) the number of children in the conservatorship of the department who are pregnant or who are a parent;

(8) the number of children in the managing conservatorship of the department who are the parent of a child who is also in the managing conservatorship of the department;

(9) the recurrence of child abuse or neglect in a household in which the department investigated a report of abuse or neglect within six months and one year of the date the case was closed separated by the following type of case:

(A) cases that were administratively closed without further action;

(B) cases in which the child was removed and placed in the managing conservatorship of the department; and

(C) cases in which the department provided family preservation services;

(10) the recurrence of child abuse and neglect in a household within five years of the date the case was closed for cases described by Subdivisions (9)(B) and (C); and

(11) workforce turnover data for child protective services employees, including the average tenure of caseworkers and supervisors and the average salary of caseworkers and supervisors.

(b) Not later than February 1 of each year, the department shall publish a report containing data collected under this section. The report must include the statewide data and the data reported by county.

SECTION 17. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0529 to read as follows:

Sec. 40.0529. CASELOAD MANAGEMENT. (a) Subject to a specific appropriation for that purpose, the department shall develop and implement a caseload management system for child protective services caseworkers and managers that:

(1) ensures equity in the distribution of workload, based on the complexity of each case;

(2) calculates caseloads based on the number of individual caseworkers who are available to handle cases;

(3) includes geographic case assignment in areas with concentrated high risk populations, to ensure that an adequate number of caseworkers and managers with expertise and specialized training are available;

(4) includes a plan to deploy master investigators in anticipation of emergency shortages of personnel; and

(5) anticipates vacancies in caseworker positions in areas of the state with high caseworker turnover to ensure the timely hiring of new caseworkers in those areas.

(b) In calculating the caseworker caseload under Subsection (a)(2), the department shall consider at least the following:

(1) caseworkers who are on extended leave;

(2) caseworkers who worked hours beyond a normal work week; and

(3) caseworkers who are on a reduced workload.

SECTION 18. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.078 to read as follows:

Sec. 40.078. PREVENTION TASK FORCE. (a) In this section, "task force" means the Prevention Task Force.

(b) The commissioner shall establish the Prevention Task Force to make recommendations to the department for changes to law, policy, and practices regarding:

(1) the prevention of child abuse and neglect;

(2) the implementation of the changes in law made by **HB 1549**, Acts of the 85th Legislature, Regular Session, 2017; and

(3) the implementation of the department's five-year strategic plan for prevention and early intervention services developed under Section 265.005, Family Code.

(c) The commissioner shall determine the number of members on the task force and shall appoint members to the task force accordingly. Members of the task force may include:

(1) a chair of a child fatality review team committee;

(2) a pediatrician;

(3) a judge;

(4) representatives of relevant state agencies;

(5) prosecutors who specialize in child abuse and neglect;

(6) medical examiners;

(7) representatives of service providers to the department; and

(8) policy experts in child abuse and neglect prevention, community advocacy, or related fields.

(d) The commissioner shall select the chair of the task force.

(e) The task force shall meet at times and locations as determined by the chair of the task force.

(f) A vacancy on the task force shall be filled in the same manner as the original appointment.

(g) A member of the task force is not entitled to compensation or reimbursement of expenses incurred in performing duties related to the task force.

(h) The department shall provide reasonably necessary administrative and technical support to the task force.

(i) The department may accept on behalf of the task force a gift, grant, or donation from any source to carry out the purposes of the task force.

(j) Chapter 2110, Government Code, does not apply to the task force.

(k) Not later than August 31, 2018, the task force shall submit a report to the commissioner. The report must include:

(1) a description of the activities of the task force; and

(2) the findings and recommendations of the task force.

(l) The task force is abolished and this section expires August 31, 2019.

SECTION 19. As soon as practicable after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall appoint members to the Prevention Task Force created by this Act under Section 40.078, Human Resources Code, as added by this Act.

SECTION 20. This Act takes effect September 1, 2017.

Representative Burkett moved to adopt the conference committee report on **HB 1549**.

The motion to adopt the conference committee report on **HB 1549** prevailed by (Record 2010): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Springer.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Klick; Leach; Raney.

STATEMENT OF VOTE

When Record No. 2010 was taken, I was shown voting no. I intended to vote yes.

Springer

SB 1553 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Bernal submitted the conference committee report on **SB 1553**.

Representative Bernal moved to adopt the conference committee report on **SB 1553**.

The motion to adopt the conference committee report on **SB 1553** prevailed by (Record 2011): 132 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Bonnen, D.; Bonnen, G.; Cain; Faircloth; Geren; Goldman; Krause; Rinaldi; Schaefer; Shaheen; Stucky; Swanson; Tinderholt.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Rose; Walle.

STATEMENT OF VOTE

When Record No. 2011 was taken, I was shown voting yes. I intended to vote no.

Lambert

HB 1290 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Roberts submitted the following conference committee report on **HB 1290**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1290** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kolkhorst	Roberts
Bettencourt	Price
Birdwell	Longoria
Burton	Cook
Hancock	Darby
On the part of the senate	On the part of the house

HB 1290, A bill to be entitled An Act relating to the required repeal of a state agency rule and a government growth impact statement before adoption of a new state agency rule.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 2001, Government Code, is amended by adding Section 2001.0045 to read as follows:

Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO REGULATED PERSONS. (a) In this section, "state agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. This term does not include an agency under the authority of an elected officer of this state.

(b) A state agency rule proposal that contains more than one rule in a single rulemaking action is considered one rule for purposes of this section. Except as provided by Subsection (c), a state agency may not adopt a proposed rule for which the fiscal note for the notice required by Section 2001.024 states that the rule imposes a cost on regulated persons, including another state agency, a special district, or a local government, unless on or before the effective date of the proposed rule the state agency:

(1) repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule; or

(2) amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule.

(c) This section does not apply to a rule that:

(1) relates to state agency procurement;

(2) is amended to:

(A) reduce the burden or responsibilities imposed on regulated persons by the rule; or

(B) decrease the persons' cost for compliance with the rule;

(3) is adopted in response to a natural disaster;

(4) is necessary to receive a source of federal funds or to comply with federal law;

(5) is necessary to protect water resources of this state as authorized by the Water Code;

(6) is necessary to protect the health, safety, and welfare of the residents of this state;

(7) is adopted by the Department of Family and Protective Services, Department of Motor Vehicles, Public Utility Commission, Texas Commission on Environmental Quality, or Texas Racing Commission;

(8) is adopted by a self-directed semi-independent agency; or

(9) is necessary to implement legislation, unless the legislature specifically states this section applies to the rule.

(d) Each state agency that adopts a rule subject to this section shall comply with the requirements imposed by Subchapter B and Chapter 2002 for publication in the Texas Register.

SECTION 2. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0221 to read as follows:

Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS.

(a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule would be in effect:

(1) the proposed rule creates or eliminates a government program;

(2) implementation of the proposed rule requires the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule requires an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule requires an increase or decrease in fees paid to the agency;

(5) the proposed rule creates a new regulation;

(6) the proposed rule expands, limits, or repeals an existing regulation;

(7) the proposed rule increases or decreases the number of individuals subject to the rule's applicability; and

(8) the proposed rule positively or adversely affects this state's economy.

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

(e) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.

SECTION 3. Section 2001.0045, Government Code, as added by this Act, applies only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

SECTION 4. Not later than October 1, 2017, the comptroller shall adopt rules required under Section 2001.0221(c), Government Code, as added by this Act.

SECTION 5. Section 2001.0221, Government Code, as added by this Act, applies only to a proposed rule for which the notice required under Section 2001.023(b), Government Code, is filed on or after November 1, 2017.

SECTION 6. This Act takes effect September 1, 2017.

Representative Roberts moved to adopt the conference committee report on **HB 1290**.

The motion to adopt the conference committee report on **HB 1290** prevailed by (Record 2012): 119 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Cook; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Holland; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Blanco; Bonnen, D.; Cain; Canales; Collier; Cortez; Davis, Y.; Faircloth; González; Hinojosa; Howard; Israel; Krause; Ortega; Perez; Rodriguez, J.; Romero; Stickland; Thierry.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Herrero; Huberty; King, K.; Rose; Thompson, E.; Walle.

STATEMENTS OF VOTE

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

Alvarado

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

D. Bonnen

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

Fairecloth

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

Giddings

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

E. Johnson

When Record No. 2012 was taken, I was shown voting no. I intended to vote yes.

Krause

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

E. Rodriguez

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

When Record No. 2012 was taken, I was shown voting yes. I intended to vote no.

Uresti

SB 463 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the conference committee report on **SB 463**.

Representative Huberty moved to adopt the conference committee report on **SB 463**.

The motion to adopt the conference committee report on **SB 463** prevailed by (Record 2013): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Roberts; Workman.

STATEMENTS OF VOTE

When Record No. 2013 was taken, I was in the house but away from my desk. I would have voted yes.

Roberts

When Record No. 2013 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

HB 1424 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murphy submitted the following conference committee report on **HB 1424**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1424** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Birdwell
Seliger
Burton
Whitmire

Murphy
Perez
Parker
Springer

Creighton
On the part of the senate

Workman
On the part of the house

HB 1424, A bill to be entitled An Act relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 423.0045, Government Code, is amended to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY.

SECTION 2. Section 423.0045(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "Correctional facility" means:

(A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;

(B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

(1-a) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility, substation, switching station, or electrical control center;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

(viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x) a transmission facility used by a federally licensed radio or television station;

(xi) a steelmaking facility that uses an electric arc furnace to make steel; or

(xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(B) any portion of an aboveground oil, gas, or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

(3) "Detention facility" means a facility operated by or under contract with United States Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings.

SECTION 3. Sections 423.0045(b), (c), and (d), Government Code, are amended to read as follows:

(b) A person commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility and the unmanned aircraft is not higher than 400 feet above ground level;

(2) allows an unmanned aircraft to make contact with a correctional facility, detention facility, or critical infrastructure facility, including any person or object on the premises of or within the facility; or

(3) allows an unmanned aircraft to come within a distance of a correctional facility, detention facility, or critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

(c) This section does not apply to:

(1) conduct described by Subsection (b) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:

(A) ~~(1)~~ the federal government, the state, or a governmental entity;

(B) ~~(2)~~ a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;

(C) ~~(3)~~ a law enforcement agency;

(D) ~~(4)~~ a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency; or

(E) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(i) each applicable Federal Aviation Administration rule, restriction, or exemption; and

(ii) all required Federal Aviation Administration authorizations; or

(2) conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by:

(A) ~~(5)~~ an owner or operator of the critical infrastructure facility;

(B) ~~(6)~~ a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

(C) ~~(7)~~ a person who has the prior written consent of the owner or operator of the critical infrastructure facility; or

(D) ~~(8)~~ the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property~~[-or~~

~~[(9) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace].~~

(d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0046.

SECTION 4. Chapter 423, Government Code, is amended by adding Section 423.0046 to read as follows:

Sec. 423.0046. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER SPORTS VENUE. (a) In this section, "sports venue" means an arena, automobile racetrack, coliseum, stadium, or other type of area or facility that:

(1) has a seating capacity of 30,000 or more people; and
(2) is primarily used for one or more professional or amateur sports or athletics events.

(b) A person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over a sports venue and the unmanned aircraft is not higher than 400 feet above ground level.

(c) This section does not apply to conduct described by Subsection (b) that is committed by:

(1) the federal government, the state, or a governmental entity;
(2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;
(3) a law enforcement agency;
(4) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;

(5) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(A) each applicable Federal Aviation Administration rule, restriction, or exemption; and

(B) all required Federal Aviation Administration authorizations;

(6) an owner or operator of the sports venue;
(7) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; or

(8) a person who has the prior written consent of the owner or operator of the sports venue.

(d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0045.

SECTION 5. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2017.

Representative Murphy moved to adopt the conference committee report on **HB 1424**.

The motion to adopt the conference committee report on **HB 1424** prevailed by (Record 2014): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Dutton; Krause; Lucio; Roberts; Sanford; Workman.

STATEMENTS OF VOTE

When Record No. 2014 was taken, I was in the house but away from my desk. I would have voted yes.

Roberts

When Record No. 2014 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

SB 2118 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative D. Bonnen submitted the conference committee report on **SB 2118**.

SB 2118 - REMARKS

REPRESENTATIVE D. BONNEN: I've been asked by a few members to explain what changes were made to Representative Davis's bill. In conference, I was honored to be a conferee on this extraordinarily important bill. There were only really two substantive changes made. One was that Representative Clardy had an amendment that was to support Tyler Junior College's dental hygiene program. And so it requires they will do a report on the success of that program. That wasn't in the amendment he put on. The senate wanted that report done by 2019. The other change was to the amendment I placed on for Brazosport College,

South Texas College, and Midland College, who had been honored to be leading this effort in the state of having four-year degrees at community colleges for over 10 years. That change was on their nursing program. They would not be allowed to charge a higher fee or tuition. So those were the two changes.

It is with extreme honor that I get to move passage on the conference committee report of a bill that is of such great importance to so many members in this chamber and more importantly to so many people. I'm going to quickly say this. On Mother's Day, Greg and I and our families were with our mom in my district at lunch. And the waitress said, "Do you think you're going to be able to pass that bill getting the nursing degree at Brazosport College?" I said, "Well, I hope so." She said, "You know, that would change my life and a lot of other people's lives if that were to happen." So I think we're going to change people's lives by allowing the opportunity where the best and most affordable education is and that's at community colleges.

Representative D. Bonnen moved to adopt the conference committee report on **SB 2118**.

The motion to adopt the conference committee report on **SB 2118** prevailed by (Record 2015): 134 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Gonzales; Isaac; Murr; Rinaldi; Schofield; Springer; Stickland.

Present, not voting — Mr. Speaker; Landgraf; Paddie(C).

Absent — Deshotel; Dukes; Roberts; Walle; Workman.

STATEMENTS OF VOTE

When Record No. 2015 was taken, I was in the house but away from my desk. I would have voted yes.

Roberts

When Record No. 2015 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

REMARKS ORDERED PRINTED

Representative Leach moved to print remarks by Representative D. Bonnen.
The motion prevailed.

**HR 2610 - ADOPTED
(by Springer)**

The following privileged resolution was laid before the house:

HR 2610

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 555** (an additional fee for issuing a marriage license to applicants who are not residents of this state and the form of a marriage license and application for a marriage license) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 6 of the bill to read as follows:

SECTION 6. The change in law made by this Act applies only to a marriage license issued on or after January 1, 2019. A marriage license issued before January 1, 2019, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Explanation: This change is necessary to delay implementation of the bill until January 1, 2019.

HR 2610 was adopted by (Record 2016): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen;

Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Roberts; Walle; Workman.

STATEMENTS OF VOTE

When Record No. 2016 was taken, I was in the house but away from my desk. I would have voted yes.

Roberts

When Record No. 2016 was taken, I was in the house but away from my desk. I would have voted yes.

Workman

HB 555 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Springer submitted the following conference committee report on **HB 555**:

Austin, Texas, May 26, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 555** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hughes	Springer
Creighton	Phillips
Huffman	Roberts
L. Taylor	T. King
West	Clardy
On the part of the senate	On the part of the house

HB 555, A bill to be entitled An Act relating to an additional fee for issuing a marriage license to applicants who are not residents of this state and the form of a marriage license and application for a marriage license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.009, Family Code, is amended by adding Subsection (e) to read as follows:

- (e) A license issued by a county clerk under this section:
 - (1) must identify the county in which the license is issued; and
 - (2) may include the name of the county clerk.

SECTION 2. Section 194.0011(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall prescribe the format and content of the department form used for the marriage license application. The form must:

(1) require identification of the county in which the application is submitted; and

(2) allow, but may not require, the name of the county clerk to appear on the application.

SECTION 3. Section 118.011(b), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$10

(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217) not more than \$2

(4) Marriage License for Out-of-State Applicants (Sec. 118.018) \$100

SECTION 4. Section 118.011(b), Local Government Code, as effective September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

(1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30

(2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$5

(3) Mental Health Background Check for License to Carry a Handgun (Sec. 118.0217) not more than \$2

(4) Marriage License for Out-of-State Applicants (Sec. 118.018) \$100

SECTION 5. Section 118.018, Local Government Code, is amended by amending Subsection (b-1) and adding Subsection (d) to read as follows:

(b-1) The county clerk shall issue a marriage license without collecting a marriage license fee from an applicant who:

(1) completes a premarital education course described by Section 2.013, Family Code; ~~and~~

(2) provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk; and

(3) provides proof satisfactory to the county clerk that the applicant is a resident of this state.

(d) If neither applicant for a marriage license provides proof satisfactory to the county clerk that the applicant is a resident of this state, the county clerk may collect an additional fee of \$100 for issuing the marriage license.

SECTION 6. The change in law made by this Act applies only to a marriage license issued on or after January 1, 2019. A marriage license issued before January 1, 2019, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Springer moved to adopt the conference committee report on **HB 555**.

The motion to adopt the conference committee report on **HB 555** prevailed by (Record 2017): 123 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Arévalo; Bernal; Blanco; Canales; Davis, Y.; González; Hinojosa; Howard; Israel; Johnson, E.; Minjarez; Oliveira; Ortega; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thierry.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Giddings.

STATEMENTS OF VOTE

When Record No. 2017 was taken, I was shown voting yes. I intended to vote no.

Romero

When Record No. 2017 was taken, I was shown voting yes. I intended to vote no.

Turner

HB 1003 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Capriglione submitted the following conference committee report on **HB 1003**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1003** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

West	Capriglione
Hancock	Longoria
Estes	Parker
Nichols	Simmons
	Springer
On the part of the senate	On the part of the house

HB 1003, A bill to be entitled An Act relating to investment of public funds, including certain expenditures by public institutions of higher education and university systems that are eligible for certain tax credits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2256.004(a), Government Code, is amended to read as follows:

- (a) This subchapter does not apply to:
- (1) a public retirement system as defined by Section 802.001;
 - (2) state funds invested as authorized by Section 404.024;
 - (3) an institution of higher education having total endowments of at least \$150 [~~\$95~~] million in book value on September 1, 2017 [~~May 1, 1995~~];
 - (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;
 - (5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or
 - (6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

SECTION 2. Section 2256.009(a), Government Code, is amended to read as follows:

- (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:
- (1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;
 - (2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; ~~and~~

(6) bonds issued, assumed, or guaranteed by the State of Israel; and

(7) interest-bearing banking deposits that are guaranteed or insured by:

(A) the Federal Deposit Insurance Corporation or its successor; or

(B) the National Credit Union Share Insurance Fund or its

successor.

SECTION 3. Section 2256.011, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Section 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.

SECTION 4. Sections 2256.014(a) and (b), Government Code, are amended to read as follows:

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); and

(3) complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.) ~~[has a dollar weighted average stated maturity of 90 days or fewer; and~~

~~[(4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share].~~

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years; and

(3) either:

(A) has a duration of one year or more and is invested exclusively in obligations approved by this subchapter; or

(B) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities

~~[(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and~~

~~[(5) conforms to the requirements set forth in Sections 2256.016(b) and (e) relating to the eligibility of investment pools to receive and invest funds of investing entities].~~

SECTION 5. Section 2256.015, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Section 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

SECTION 6. Sections 2256.016(b) and (f), Government Code, are amended to read as follows:

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

- (1) the types of investments in which money is allowed to be invested;
- (2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- (9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- (10) the name and address of the independent auditor of the pool;
- (11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; ~~and~~
- (12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and
- (13) the pool's policy regarding holding deposits in cash.

(f) ~~To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool that uses amortized cost or fair value accounting [created to function as a money market mutual fund]~~ must mark its portfolio to market daily, and, to the extent reasonably possible,

stabilize at a \$1.00 [~~\$1~~] net asset value, when rounded and expressed to two decimal places. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, the governing body of the public funds investment pool shall take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt ~~[shall be sold as necessary]~~ to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool that uses amortized cost ~~[created to function as a money market mutual fund]~~ shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

SECTION 7. Subchapter A, Chapter 2256, Government Code, is amended by adding Section 2256.0206 to read as follows:

Sec. 2256.0206. AUTHORIZED INVESTMENTS: HEDGING TRANSACTIONS. (a) In this section:

(1) "Eligible entity" means a political subdivision that has:

(A) a principal amount of at least \$250 million in:

(i) outstanding long-term indebtedness;

(ii) long-term indebtedness proposed to be issued; or

(iii) a combination of outstanding long-term indebtedness and

long-term indebtedness proposed to be issued; and

(B) outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

(2) "Eligible project" has the meaning assigned by Section 1371.001.

(3) "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

(b) This section prevails to the extent of any conflict between this section and:

(1) another law; or

(2) an eligible entity's municipal charter, if applicable.

(c) The governing body of an eligible entity shall establish the entity's policy regarding hedging transactions.

(d) An eligible entity may enter into hedging transactions, including hedging contracts, and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

(e) An eligible entity may pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

(f) Section 1371.059(c) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

(g) An eligible entity may credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

(h) An eligible entity's cost of or payment under a hedging contract or agreement may be considered:

(1) an operation and maintenance expense of the eligible entity;

(2) an acquisition expense of the eligible entity;

(3) a project cost of an eligible project; or

(4) a construction expense of the eligible entity.

SECTION 8. (a) Section 171.901(4), Tax Code, is amended to read as follows:

(4) "Eligible costs and expenses" means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063 or by an institution of higher education or university system as defined by Section 61.003, Education Code, and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

(b) Effective January 1, 2022, Section 171.901(4), Tax Code, is amended to read as follows:

(4) "Eligible costs and expenses" means qualified rehabilitation expenditures as defined by Section 47(c)(2), Internal Revenue Code, except that the depreciation and tax-exempt use provisions of that section do not apply to costs and expenses incurred by an entity exempt from the tax imposed under this chapter by Section 171.063, and those costs and expenses are eligible costs and expenses if the other provisions of Section 47(c)(2), Internal Revenue Code, are satisfied.

SECTION 9. The changes in law made by this Act apply only to authorized investments of public funds governed by Chapter 2256, Government Code, as amended by this Act, that are made on or after the effective date of this Act. An authorized investment of public funds made before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 10. (a) Section 171.901(4), Tax Code, as amended by Section 8(a) of this Act, applies only to costs and expenses incurred on or after the effective date of this Act.

(b) Section 171.901(4), Tax Code, as amended by Section 8(b) of this Act, applies only to costs and expenses incurred on or after January 1, 2022.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Capriglione moved to adopt the conference committee report on **HB 1003**.

The motion to adopt the conference committee report on **HB 1003** prevailed by (Record 2018): 145 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Krause; Phillips.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

STATEMENT OF VOTE

When Record No. 2018 was taken, I was shown voting no. I intended to vote yes.

Krause

SB 1511 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Price submitted the conference committee report on **SB 1511**.

Representative Price moved to adopt the conference committee report on **SB 1511**.

The motion to adopt the conference committee report on **SB 1511** prevailed by (Record 2019): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes.

HB 5 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 5**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick

President of the Senate

The Honorable Joe Straus

Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 5** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Schwertner

Nelson

Huffinan

Perry

Uresti

On the part of the senate

Frank

Raymond

Geren

Clardy

Smithee

On the part of the house

HB 5, A bill to be entitled An Act relating to the powers and duties of the Department of Family and Protective Services and the transfer of certain powers and duties from the Health and Human Services Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 58.0051(a)(2), Family Code, is amended to read as follows:

(2) "Juvenile service provider" means a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile. The term includes:

(A) a state or local juvenile justice agency as defined by Section 58.101;

(B) health and human services agencies, as defined by Section 531.001, Government Code, and the Health and Human Services Commission;

(C) the Department of Family and Protective Services;

(D) the Department of Public Safety;

(E) ~~(D)~~ the Texas Education Agency;

(F) ~~(E)~~ an independent school district;

(G) ~~(F)~~ a juvenile justice alternative education program;

(H) ~~(G)~~ a charter school;

(I) ~~(H)~~ a local mental health or mental retardation authority;

(J) ~~(I)~~ a court with jurisdiction over juveniles;

(K) ~~(J)~~ a district attorney's office;

(L) ~~(K)~~ a county attorney's office; and

(M) ~~(L)~~ a children's advocacy center established under Section 264.402.

SECTION 2. Section 58.0072(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department may grant the following entities access to juvenile justice information for research and statistical purposes or for any other purpose approved by the department:

(1) criminal justice agencies as defined by Section 411.082, Government Code;

(2) the Texas Education Agency, as authorized under Section 37.084, Education Code;

(3) any agency under the authority of the Health and Human Services Commission; ~~or~~

(4) the Department of Family and Protective Services; or

(5) a public or private university.

SECTION 3. Section 107.152(c), Family Code, is amended to read as follows:

(c) The pre-placement and post-placement parts of an adoption evaluation conducted by a licensed child-placing agency or the department are governed by rules adopted by the ~~executive~~ commissioner of the department ~~[Health and Human Services Commission]~~.

SECTION 4. (a) Section 107.154(b), Family Code, is amended to read as follows:

(b) To be qualified to conduct an adoption evaluation under this subchapter, a person must:

(1) have a degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) have one year of full-time experience working at a child-placing agency conducting child-placing activities; or

(B) be practicing under the direct supervision of a person qualified under this section to conduct adoption evaluations;

(2) be employed by or under contract with a domestic relations office, provided that the person conducts adoption evaluations relating only to families ordered to participate in adoption evaluations conducted by the domestic relations office; or

(3) be qualified as a child custody evaluator under Section 107.104.

(b) Section 107.154(b), Family Code, as amended by this section, applies only to an adoption evaluation conducted on or after the effective date of this Act. An adoption evaluation conducted before the effective date of this Act is governed by the law in effect on the date the evaluation was conducted, and the former law is continued in effect for that purpose.

SECTION 5. Section 107.159(a), Family Code, is amended to read as follows:

(a) Unless otherwise agreed to by the court, the pre-placement part of an adoption evaluation must comply with the minimum requirements for the pre-placement part of an adoption evaluation under rules adopted by the ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~.

SECTION 6. Section 107.160(a), Family Code, is amended to read as follows:

(a) Unless otherwise agreed to by the court, the post-placement part of an adoption evaluation must comply with the minimum requirements for the post-placement part of an adoption evaluation under rules adopted by the ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~.

SECTION 7. Subchapter A, Chapter 162, Family Code, is amended by adding Section 162.0086 to read as follows:

Sec. 162.0086. INFORMATION REGARDING SIBLING ACCESS. (a) The Department of Family and Protective Services shall provide information to each person seeking to adopt a child placed for adoption by the department regarding the right of a child's sibling to file a suit for access to the child under Sections 102.0045 and 153.551.

(b) The department may provide the information required under Subsection (a) on any form or application provided to prospective adoptive parents.

SECTION 8. Sections 162.304(b-2) and (g), Family Code, are amended to read as follows:

(b-2) The ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~ shall adopt rules necessary to implement Subsection (b-1), including rules that:

(1) limit eligibility for the subsidy under that subsection to a child whose adoptive family income is less than 300 percent of the federal poverty level;

(2) provide for the manner in which the department shall pay the subsidy under that subsection; and

(3) specify any documentation required to be provided by an adoptive parent as proof that the subsidy is used to obtain and maintain health benefits coverage for the adopted child.

(g) The ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~ by rule shall provide that the maximum amount of the subsidy under Subsection (b) that may be paid to an adoptive parent of a child under an adoption assistance agreement is an amount that is equal to the amount that would have been paid to the foster parent of the child, based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement. This subsection applies only to a child who, based on factors specified in rules of the department, the department determines would otherwise have been expected to remain in foster care until the child's 18th birthday and for whom this state would have made foster care payments for that care. Factors the department may consider in determining whether a child is eligible for the amount of the subsidy authorized by this subsection include the following:

(1) the child's mental or physical disability, age, and membership in a sibling group; and

(2) the number of prior placement disruptions the child has experienced.

SECTION 9. Section 162.3041(a-1), Family Code, is amended to read as follows:

(a-1) Notwithstanding Subsection (a), if the department first entered into an adoption assistance agreement with a child's adoptive parents after the child's 16th birthday, the department shall, in accordance with rules adopted by the ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~, offer adoption assistance after the child's 18th birthday to the child's adoptive parents under an existing adoption agreement until the last day of the month of the child's 21st birthday, provided the child is:

(1) regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;

(2) regularly attending an institution of higher education or a postsecondary vocational or technical program;

(3) participating in a program or activity that promotes, or removes barriers to, employment;

(4) employed for at least 80 hours a month; or

(5) incapable of doing any of the activities described by Subdivisions (1)-(4) due to a documented medical condition.

SECTION 10. Subchapter A, Chapter 261, Family Code, is amended by adding Section 261.004 to read as follows:

Sec. 261.004. REFERENCE TO EXECUTIVE COMMISSIONER OR COMMISSION. In this chapter:

(1) a reference to the executive commissioner or the executive commissioner of the Health and Human Services Commission means the commissioner of the department; and

(2) a reference to the Health and Human Services Commission means the department.

SECTION 11. Section 263.009(a), Family Code, is amended to read as follows:

(a) The department shall hold a permanency planning meeting for each child for whom the department is appointed temporary managing conservator in accordance with a schedule adopted by the ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~ by rule that is designed to allow the child to exit the managing conservatorship of the department safely and as soon as possible and be placed with an appropriate adult caregiver who will permanently assume legal responsibility for the child.

SECTION 12. Subchapter A, Chapter 264, Family Code, is amended by adding Section 264.0011 to read as follows:

Sec. 264.0011. REFERENCE TO EXECUTIVE COMMISSIONER OR COMMISSION. In this chapter:

(1) a reference to the executive commissioner or the executive commissioner of the Health and Human Services Commission means the commissioner of the department; and

(2) a reference to the commission or the Health and Human Services Commission means the department.

SECTION 13. Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED CARE

Sec. 264.170. LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM CONTRACTOR AND RELATED PERSONNEL. (a) A nonprofit entity that contracts with the department to provide services as a single source continuum contractor under this subchapter is considered to be a charitable organization for the purposes of Chapter 84, Civil Practice and Remedies Code, with respect to the provision of those services, and that chapter applies to the entity and any person who is an employee or volunteer of the entity.

(b) The limitations on liability provided by this section apply:

(1) only to an act or omission by the entity or person, as applicable, that occurs while the entity or person is acting within the course and scope of the entity's contract with the department and the person's duties for the entity; and

(2) only if insurance coverage in the minimum amounts required by Chapter 84, Civil Practice and Remedies Code, is in force and effect at the time a cause of action for personal injury, death, or property damage accrues.

SECTION 14. Section 265.105, Family Code, as added by Chapter 1257 (**HB 2630**), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

Sec. 265.105. RULES. The ~~[executive]~~ commissioner of the department ~~[Health and Human Services Commission]~~ may adopt rules as necessary to implement this subchapter.

SECTION 15. Section 265.106, Family Code, is amended to read as follows:

Sec. 265.106. PARTNERSHIP PROGRAM STANDARDS. The ~~[executive]~~ commissioner, with the assistance of the Nurse-Family Partnership National Service Office, shall adopt standards for the partnership programs funded under this subchapter. The standards must adhere to the Nurse-Family Partnership National Service Office program model standards and guidelines that were developed in multiple, randomized clinical trials and have been tested and replicated in multiple communities.

SECTION 16. Section 265.109(a), Family Code, is amended to read as follows:

(a) The department, with the assistance of the Nurse-Family Partnership National Service Office, shall:

(1) adopt performance indicators that are designed to measure a grant recipient's performance with respect to the partnership program standards adopted by the ~~[executive]~~ commissioner under Section 265.106;

(2) use the performance indicators to continuously monitor and formally evaluate on an annual basis the performance of each grant recipient; and

(3) prepare and submit an annual report, not later than December 1 of each year, to the Senate Health and Human Services Committee, or its successor, and the House Human Services Committee, or its successor, regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing partnership program services.

SECTION 17. Section 266.001, Family Code, is amended by adding Subdivision (1-b) to read as follows:

(1-b) "Commissioner" means the commissioner of the Department of Family and Protective Services.

SECTION 18. Section 266.003, Family Code, is amended to read as follows:

Sec. 266.003. MEDICAL SERVICES FOR CHILD ABUSE AND NEGLECT VICTIMS. (a) The department ~~[commission]~~ shall collaborate with the commission and health care and child welfare professionals to design a comprehensive, cost-effective medical services delivery model, either directly or by contract, to meet the needs of children served by the department. The medical services delivery model must include:

(1) the designation of health care facilities with expertise in the forensic assessment, diagnosis, and treatment of child abuse and neglect as pediatric centers of excellence;

(2) a statewide telemedicine system to link department investigators and caseworkers with pediatric centers of excellence or other medical experts for consultation;

(3) identification of a medical home for each foster child on entering foster care at which the child will receive an initial comprehensive assessment as well as preventive treatments, acute medical services, and therapeutic and rehabilitative care to meet the child's ongoing physical and mental health needs throughout the duration of the child's stay in foster care;

(4) the development and implementation of health passports as described in Section 266.006;

(5) establishment and use of a management information system that allows monitoring of medical care that is provided to all children in foster care;

(6) the use of medical advisory committees and medical review teams, as appropriate, to establish treatment guidelines and criteria by which individual cases of medical care provided to children in foster care will be identified for further, in-depth review;

(7) development of the training program described by Section 266.004(h);

(8) provision for the summary of medical care described by Section 266.007; and

(9) provision for the participation of the person authorized to consent to medical care for a child in foster care in each appointment of the child with the provider of medical care.

(b) The department [~~commission~~] shall collaborate with health and human services agencies, community partners, the health care community, and federal health and social services programs to maximize services and benefits available under this section.

(c) The [~~executive~~] commissioner shall adopt rules necessary to implement this chapter.

(d) The commission is responsible for administering contracts with managed care providers for the provision of medical care to children in foster care. The department shall collaborate with the commission to ensure that medical care services provided by managed care providers match the needs of children in foster care.

SECTION 19. Sections 266.006(a), (b), and (e), Family Code, are amended to read as follows:

(a) The commission, in conjunction with the department, and with the assistance of physicians and other health care providers experienced in the care of foster children and children with disabilities and with the use of electronic health records, shall develop and provide a health passport for each foster child. The passport must be maintained in an electronic format and use [~~the commission's and~~] the department's existing computer resources to the greatest extent possible.

(b) The executive commissioner, in collaboration with the commissioner, shall adopt rules specifying the information required to be included in the passport. The required information may include:

(1) the name and address of each of the child's physicians and health care providers;

(2) a record of each visit to a physician or other health care provider, including routine checkups conducted in accordance with the Texas Health Steps program;

(3) an immunization record that may be exchanged with ImmTrac;

(4) a list of the child's known health problems and allergies;

(5) information on all medications prescribed to the child in adequate detail to permit refill of prescriptions, including the disease or condition that the medication treats; and

(6) any other available health history that physicians and other health care providers who provide care for the child determine is important.

(e) The commission, in collaboration with the department, shall provide training or instructional materials to foster parents, physicians, and other health care providers regarding use of the health passport.

SECTION 20. Sections 266.008(a) and (d), Family Code, are amended to read as follows:

(a) The department [~~commission~~] shall develop an education passport for each foster child. The department [~~commission, in conjunction with the department,~~] shall determine the format of the passport. The passport may be maintained in an electronic format. The passport must contain educational records of the child, including the names and addresses of educational providers, the child's grade-level performance, and any other educational information the department [~~commission~~] determines is important.

(d) The department [~~and the commission~~] shall collaborate with the Texas Education Agency to develop policies and procedures to ensure that the needs of foster children are met in every school district.

SECTION 21. Chapter 266, Family Code, is amended by adding Section 266.013 to read as follows:

Sec. 266.013. CONTINUITY OF SERVICES PROVIDED BY COMMISSION. (a) In addition to the requirements of Section 266.003(d), the commission shall continue to provide any services to children in the conservatorship of the department that the commission provided to those children before September 1, 2017.

(b) Subsection (a) does not apply to any services provided by the commission in relation to a child's education passport created under Section 266.008.

SECTION 22. Section 531.001(4), Government Code, is amended to read as follows:

(4) "Health and human services agencies" includes the:

(A) Department of Aging and Disability Services;

(B) Department of State Health Services; and

(C) Department of Assistive and Rehabilitative Services[~~and~~

~~(D) Department of Family and Protective Services].~~

SECTION 23. Section 531.00553(b), Government Code, as added by Chapter 837 (SB 200), Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(b) Subject to Subsection (c), the executive commissioner shall plan and implement an efficient and effective centralized system of administrative support services for the health and human services system and the Department of Family and Protective Services, as applicable. The performance of administrative support services for the health and human services system is the responsibility of the commission.

SECTION 24. (a) Section 531.02013, Government Code, is amended to read as follows:

Sec. 531.02013. FUNCTIONS REMAINING WITH CERTAIN AGENCIES. The following functions are not subject to transfer under Sections 531.0201 and 531.02011:

(1) the functions of the Department of Family and Protective Services, including the statewide intake of reports and other information, related to the following:

(A) child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(B) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(i) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(ii) by a provider that has contracted to provide home and community-based services; ~~and~~

(C) prevention and early intervention services; and

(D) investigations of alleged abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code; and

(2) the public health functions of the Department of State Health Services, including health care data collection and maintenance of the Texas Health Care Information Collection program.

(b) Notwithstanding any provision of Subchapter A-1, Chapter 531, Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code, may not be transferred to the Health and Human Services Commission and remains the responsibility of the Department of Family and Protective Services.

(c) As soon as possible after the effective date of this section, the commissioner of the Department of Family and Protective Services shall transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, including a residential child-care facility, as those terms are defined by Section 42.002, Human Resources Code, to the child protective services division of the department. The commissioner shall transfer appropriate investigators and staff as necessary to implement this section.

(d) This section takes effect immediately if this Act receives a vote of two-thirds of all the members of each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take immediate effect, this section takes effect on the 91st day after the last day of the legislative session.

SECTION 25. Section 531.0202(a), Government Code, is amended to read as follows:

(a) Each of the following state agencies and entities is abolished on a date that is within the period prescribed by Section 531.02001(1), that is specified in the transition plan required under Section 531.0204 for the abolition of the agency or entity, and that occurs after all of the agency's or entity's functions have been transferred in accordance with Section 531.0201:

- (1) the Department of Assistive and Rehabilitative Services;
- (2) the Health and Human Services Council;
- (3) the Aging and Disability Services Council;
- (4) the Assistive and Rehabilitative Services Council;
- (5) ~~the Family and Protective Services Council;~~
- ~~(6)~~ the State Health Services Council; and
- (6) ~~(7)~~ the Texas Council on Autism and Pervasive Developmental Disorders.

SECTION 26. Section 531.0206(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

- (1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section 531.0204;
- (2) an evaluation and recommendations regarding the need to continue ~~[the Department of Family and Protective Services and]~~ the Department of State Health Services as a state agency ~~[agencies]~~ separate from the commission; and
- (3) any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

SECTION 27. Section 531.102(a), Government Code, is amended to read as follows:

(a) The commission's office of inspector general is responsible for the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including services through any state-administered health or human services program that is wholly or partly federally funded or services provided by the Department of Family and Protective Services, and the enforcement of state law

relating to the provision of those services. The commission may obtain any information or technology necessary to enable the office to meet its responsibilities under this subchapter or other law.

SECTION 28. Sections 40.0026 and 40.0027, Human Resources Code, as effective September 1, 2017, are amended to read as follows:

Sec. 40.0026. REFERENCES IN LAW MEANING DEPARTMENT. In this code or any other law, a reference to the department or the commission in relation to a function described by Section 40.0025(b) means the department. [~~A reference in law to the department in relation to any other function has the meaning assigned by Section 531.0011, Government Code.~~]

Sec. 40.0027. REFERENCES IN LAW MEANING COMMISSIONER OR DESIGNEE. In this code or in any other law, a reference to the commissioner or the executive commissioner in relation to a function described by Section 40.0025(b) means the commissioner. [~~A reference in law to the commissioner in relation to any other function has the meaning assigned by Section 531.0012, Government Code.~~]

SECTION 29. Subchapter B, Chapter 40, Human Resources Code, is amended by adding Sections 40.021, 40.022, 40.023, 40.024, 40.025, and 40.026 to read as follows:

Sec. 40.021. FAMILY AND PROTECTIVE SERVICES COUNCIL. (a) The Family and Protective Services Council is created to assist the commissioner in developing rules and policies for the department.

(b) The council is composed of nine members of the public appointed by the governor. In making appointments to the council, the governor shall consider persons who have a demonstrated knowledge of the department and the health and human services system in general, including former department employees, court-appointed special advocates, foster care providers, and employees of child advocacy centers.

(c) The council shall study and make recommendations to the commissioner regarding the management and operation of the department, including policies and rules governing the delivery of services to persons who are served by the department, the rights and duties of persons who are served or regulated by the department, and the consolidation of the provision of administrative support services as provided by Section 531.00553, Government Code. The council may not develop policies or rules relating to administrative support services provided by the commission for the department.

(d) Chapter 551, Government Code, applies to the council.

(e) Chapter 2110, Government Code, does not apply to the council.

(f) A majority of the members of the council constitute a quorum for the transaction of business.

Sec. 40.022. APPOINTMENTS. (a) Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(b) Appointments to the council shall be made so that each geographic area of the state is represented on the council. Notwithstanding Subsection (a), appointments to the council must reflect the ethnic diversity of this state.

Sec. 40.023. TRAINING PROGRAM FOR COUNCIL MEMBERS. (a) A person who is appointed as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section.

(b) The training program must provide information to the member regarding:

- (1) the legislation that created the department and the council;
- (2) the programs operated by the department;
- (3) the role and functions of the department and the council, including detailed information regarding the advisory responsibilities of the council;
- (4) the role of the commission and the responsibilities of the commission in relation to the department;
- (5) the rules of the department, with an emphasis on rules that relate to disciplinary and investigatory authority;
- (6) the current budget for the department;
- (7) the results of the most recent formal audit of the department;
- (8) the requirements of the:
 - (A) open meetings law, Chapter 551, Government Code;
 - (B) public information law, Chapter 552, Government Code; and
 - (C) administrative procedure law, Chapter 2001, Government Code;

(9) the requirements of the conflict-of-interest laws and other laws relating to public officials; and

(10) any applicable ethics policies adopted by the commissioner or the Texas Ethics Commission.

Sec. 40.024. TERMS; VACANCY. (a) Members of the council serve for staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(b) A member of the council may not serve more than two consecutive full terms as a council member.

(c) A vacancy on the council shall be filled in the same manner as the original appointment.

Sec. 40.025. REIMBURSEMENT FOR EXPENSES. A council member may not receive compensation for service as a member of the council but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the council as provided by the General Appropriations Act.

Sec. 40.026. PRESIDING OFFICER; OTHER OFFICERS; MEETINGS. (a) The governor shall designate a member of the council as the presiding officer to serve in that capacity at the pleasure of the governor.

(b) The members of the council shall elect any other necessary officers.

(c) The council shall meet quarterly and at other times at the call of the presiding officer. The council may hold meetings in different areas of the state.

SECTION 30. Section 40.027, Human Resources Code, is amended to read as follows:

Sec. 40.027. COMMISSIONER. (a) The governor, with the advice and consent of the senate, [executive commissioner] shall appoint a commissioner [in accordance with Section 531.0056, Government Code]. The commissioner is to be selected according to education, training, experience, and demonstrated ability.

(b) The commissioner serves a term of two years [at the pleasure of the executive commissioner].

(c) The [Subject to the control of the executive commissioner, the] commissioner shall:

(1) act as the department's chief administrative officer;

(2) oversee [in accordance with the procedures prescribed by Section 531.00551, Government Code, assist the executive commissioner in] the development and implementation of policies and guidelines needed for the administration of the department's functions;

(3) oversee [in accordance with the procedures adopted by the executive commissioner under Section 531.00551, Government Code, assist the executive commissioner in] the development of rules relating to the matters within the department's jurisdiction, including the delivery of services to persons and the rights and duties of persons who are served or regulated by the department; and

(4) serve as a liaison between the department and commission.

(d) The commissioner shall administer this chapter and other laws relating to the department [under operational policies established by the executive commissioner and in accordance with the memorandum of understanding under Section 531.0055(k), Government Code, between the commissioner and the executive commissioner, as adopted by rule].

(e) Notwithstanding any other law, the commissioner shall adopt rules and policies for the operation of and the provision of services by the department.

SECTION 31. Section 40.030, Human Resources Code, is amended to read as follows:

Sec. 40.030. ADVISORY COMMITTEES. (a) The [executive] commissioner or the [executive] commissioner's designee may appoint advisory committees in accordance with Chapter 2110, Government Code.

(b) The [executive] commissioner shall adopt rules, in compliance with Chapter 2110, Government Code, regarding the purpose, structure, and use of advisory committees by the department. The rules may include provisions governing:

(1) an advisory committee's size and quorum requirements;

(2) qualifications for membership of an advisory committee, including:

(A) requirements relating to experience and geographic representation; and

(B) requirements for the department to include as members of advisory committees youth who have aged out of foster care and parents who have successfully completed family service plans and whose children were returned to the parents, as applicable;

(3) appointment procedures for an advisory committee;

(4) terms for advisory committee members; and

(5) compliance with Chapter 551, Government Code.

SECTION 32. Section 40.0505, Human Resources Code, is amended to read as follows:

Sec. 40.0505. DIVISIONS OF DEPARTMENT [POWERS AND DUTIES OF COMMISSIONER; EFFECT OF CONFLICT WITH OTHER LAW]. (a) The commissioner shall establish the following divisions and offices within the department:

- (1) an investigations division;
- (2) a consolidated data division;
- (3) a legal division that oversees the following:

(A) legal matters relating to human resources, as necessary to manage the department's workforce and establish the department's hiring and termination policies;

- (B) open records;
- (C) privacy and confidentiality;
- (D) litigation; and
- (E) contract compliance;

(4) an operations division that oversees department operations and human resources functions of the department; and

(5) a financial management and accounting services division.

(b) The commissioner may establish additional divisions within the department as the commissioner determines appropriate.

(c) The commissioner may assign department functions among the department's divisions. [To the extent a power or duty given to the commissioner by this chapter or another law conflicts with Section 531.0055, Government Code, Section 531.0055 controls.]

SECTION 33. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0512 to read as follows:

Sec. 40.0512. CONTINUITY OF SERVICES; INFORMATION SHARING. The department shall make a good faith effort to share relevant and appropriate information with health and human services agencies regarding persons receiving services from the department to ensure continuity of care and the best possible coordination of state-funded resources among health and human services agencies.

SECTION 34. Section 40.058, Human Resources Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) The department and the commission shall enter into contracts for the provision of shared administrative services, including payroll, procurement, information resources, rate setting, purchasing, and contracting.

(j) The department shall collaborate with the commission to ensure the efficient provision of administrative support services by the commission.

SECTION 35. Subchapter A, Chapter 48, Human Resources Code, is amended by adding Section 48.0021 to read as follows:

Sec. 48.0021. REFERENCE TO COMMISSION OR EXECUTIVE COMMISSIONER. In this chapter:

(1) a reference to the Health and Human Services Commission means the Department of Family and Protective Services; and

(2) a reference to the executive commissioner means the commissioner of the Department of Family and Protective Services.

SECTION 36. The following provisions are repealed:

(1) Sections 261.001(7) and 264.001(2) and (3), Family Code; and

(2) Sections 40.0506 and 40.0507, Human Resources Code.

SECTION 37. As soon as possible after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall transfer the appropriate divisions, resources, and personnel to the Department of Family and Protective Services to allow the department to perform the general functions of the department under Chapter 40, Human Resources Code, as amended by this Act, including any staff and associated resources previously transferred to the commission pursuant to the requirements of Chapter 837 (**SB 200**), Acts of the 84th Legislature, Regular Session, 2015.

SECTION 38. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

HB 5 - REMARKS

REPRESENTATIVE FRANK: Members, **HB 5** passed the house unanimously on March 2. We are now a day before the end of session, and we have the conference committee report back. Several amendments on the senate floor put the bill back closer to the version that passed out of the house instead of the committee substitute that passed out of the senate. There were also two standalone bills that were tacked on.

Members, there was one amendment that caused a great deal of concern that we went to conference on. And I would say this—essentially, most of that language was pulled out. What ended up happening is we basically went to Section 84. My friend Travis Clardy and several others on the conference committee helped with the wording, but the protection that the SSCCs have is essentially what is in statute today under Section 84. One of the things I would note is that a lot of the concern about that, I'm afraid, had more to do with people not wanting the community-based to succeed. We actually have given very similar protection in other bills to these providers, but that's what is in the final committee report. That's not what they will have. I do think they will still be able to be successful. But with those changes, I think we have compromised on all the issues that we need as will allow DFPS to have the structural autonomy and the decision-making authority that they need to address the foster care capacity crisis and other pressing issues.

REPRESENTATIVE WALLE: Just to clarify, I want to specifically target the compromise, I guess, on liability and these agencies or these nonprofits limiting their liability. What was specifically the change in that part of **HB 5**?

FRANK: The original amendment basically gave qualified immunity, not full immunity, not sovereignty immunity. but qualified immunity, much as we give to other people who are in the child welfare arena. But it gave that to our SSCCs that will be handling the foster care system in different community-based foster

care regions. It gave that to them. Essentially, what we ended up doing is putting it back to where it is today, which there is already protection in statute for nonprofits working in the child welfare system. I think there is still some concern that that could create some problems, but it's essentially where we ended up in conference.

WALLE: With that, I guess that fallback provision that they would fall under, charitable immunity and liability, that is under the Civil Practice and Remedies Code, Title 4, Liability in Tort, Chapter 84. Is that your understanding?

FRANK: Yes, that is.

WALLE: And then the particular sections that these agencies or these nonprofits would fall under is Section 84.005, which is the employee liability part. Is that your understanding as well?

FRANK: I don't have it in front of me, but that is my understanding.

WALLE: And then also Section 84.006, which is the organization liability. And it has particularly some amounts on there, liability for employees, and the maximum would be I think \$500,000. I think that's the section you are talking about. Is that correct?

FRANK: That's correct. Section 84, yes.

WALLE: Section 84, the Civil Practice and Remedies Code—they're going to fall under that, I guess, fallback provision now.

FRANK: That's correct. So essentially that amendment was for all intents and purposes taken off. And I think, again, there were a lot of people that made, to me, a much bigger issue of that than was needed. In fact, just so we're clear, this protection that was requested by the senate is already done in other places. In fact, our own Ms. Thompson had **HB 1501** that gave child custody evaluators liability protection, complete protection from civil damages. But what we have done in this bill is essentially remove that.

WALLE: I'm going to change gears on you. On the actual expansion, I know there was an understanding, there were two. The initial allow would be several areas. I know it's related to—

FRANK: If you would, we will have a chance on **SB 11** to talk about that. This is DFPS standalone. This is not that bill.

WALLE: That's what I'm trying to get to. The relatedness of these two bills is part of a package that you are trying to roll out in reference to try to reform the system. Is that a correct statement? So that we have a better safety net for these children, is that correct?

FRANK: Yes.

WALLE: So that's what I was trying to get to before you interrupted me.

FRANK: Sorry.

WALLE: And so this is part of a package where we're trying to make sure that we're putting in the structural accountability but also put the funding with the other components of this crisis that we are trying to tackle. Is that correct?

FRANK: Yes, that's correct.

Representative Frank moved to adopt the conference committee report on **HB 5**.

The motion to adopt the conference committee report on **HB 5** prevailed by (Record 2020): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Rodriguez, E.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes.

STATEMENT OF VOTE

When Record No. 2020 was taken, I was shown voting no. I intended to vote yes.

E. Rodriguez

REMARKS ORDERED PRINTED

Representative Raymond moved to print all remarks on **HB 5**.

The motion prevailed.

HR 2616 - ADOPTED (by Kuempel)

The following privileged resolution was laid before the house:

HR 2616

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 2065** (the licensing and regulation of certain occupations and activities) to consider and take action on the following matter:

House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting SECTION 6.002 of the senate engrossment of **SB 2065** and the corresponding section of the bill as the bill was amended by the house, which reads as follows:

SECTION 6.002. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

Explanation: The omission is necessary to ensure the implementation of the Act as intended by the 85th Legislature, Regular Session, 2017.

HR 2616 was adopted by (Record 2021): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes; Springer; Wilson.

STATEMENTS OF VOTE

When Record No. 2021 was taken, I was in the house but away from my desk. I would have voted yes.

Springer

When Record No. 2021 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

SB 2065 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Kuempel submitted the conference committee report on **SB 2065**.

Representative Kuempel moved to adopt the conference committee report on **SB 2065**.

The motion to adopt the conference committee report on **SB 2065** prevailed by (Record 2022): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Deshotel; Dukes; Workman.

HB 3526 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Howard submitted the following conference committee report on **HB 3526**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3526** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

L. Taylor
Campbell
Hall
Lucio

Howard
Ashby
Bohac
Bernal
Huberty

On the part of the senate

On the part of the house

HB 3526, A bill to be entitled An Act relating to instructional materials and technology for public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.001, Education Code, is amended to read as follows:

Sec. 31.001. **FREE INSTRUCTIONAL MATERIALS.** Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Section 31.104(d), a school district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment.

SECTION 2. Section 31.004(b), Education Code, is amended to read as follows:

(b) To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills as required by Subsection (a), a school district or open-enrollment charter school may consider:

- (1) instructional materials adopted by the State Board of Education;
- (2) materials adopted or purchased by the commissioner under Section 31.0231 or Subchapter B-1;
- (3) open-source instructional materials submitted by eligible institutions and adopted by the State Board of Education under Section 31.0241;
- (4) open-source instructional materials made available by other public schools; ~~and~~
- (5) instructional materials developed or purchased by the school district or open-enrollment charter school; and
- (6) open educational resources and other electronic instructional materials included in the repository under Section 31.083.

SECTION 3. Section 31.005, Education Code, is amended to read as follows:

Sec. 31.005. **FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.** An open-enrollment charter school is entitled to the technology and instructional materials allotment under this chapter and is subject to this chapter as if the school were a school district.

SECTION 4. Section 31.021, Education Code, is amended to read as follows:

Sec. 31.021. STATE TECHNOLOGY AND INSTRUCTIONAL MATERIALS FUND. (a) The state technology and instructional materials fund consists of:

(1) an amount set aside by the State Board of Education from the available school fund, in accordance with Section 43.001(d); and

(2) all amounts lawfully paid into the fund from any other source.

(c) Money in the state technology and instructional materials fund shall be used to:

(1) fund the technology and instructional materials allotment, as provided by Section 31.0211;

(2) purchase special instructional materials for the education of blind and visually impaired students in public schools;

(3) pay the expenses associated with the instructional materials adoption and review process under this chapter;

(4) pay the expenses associated with the purchase or licensing of open-source instructional material;

(5) pay the expenses associated with the purchase of instructional material, including intrastate freight and shipping and the insurance expenses associated with intrastate freight and shipping;

(6) fund the technology lending grant program established under Section 32.301 [~~32.204~~]; ~~and~~

(7) provide funding to the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, and the Texas Juvenile Justice Department; and

(8) pay the expenses associated with the instructional materials web portal developed under Section 31.081.

(d) Money transferred to the state technology and instructional materials fund remains in the fund until spent and does not lapse to the state at the end of the fiscal year.

SECTION 5. The heading to Section 31.0211, Education Code, is amended to read as follows:

Sec. 31.0211. TECHNOLOGY AND INSTRUCTIONAL MATERIALS ALLOTMENT.

SECTION 6. Sections 31.0211(a) and (b), Education Code, are amended to read as follows:

(a) A school district is entitled to an allotment each biennium from the state technology and instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state technology and instructional materials fund to fund the allotment. An allotment under this section shall be transferred from the state technology and instructional materials fund to the credit of the district's technology and instructional materials account as provided by Section 31.0212.

(b) A juvenile justice alternative education program under Section 37.011 is entitled to an allotment from the state technology and instructional materials fund in an amount determined by the commissioner. The program shall use the allotment to purchase items listed in Subsection (c) for students enrolled in the program. The commissioner's determination under this subsection is final and may not be appealed.

SECTION 7. The heading to Section 31.0212, Education Code, is amended to read as follows:

Sec. 31.0212. TECHNOLOGY AND INSTRUCTIONAL MATERIALS ACCOUNT.

SECTION 8. Sections 31.0212(a), (b), (d), and (e), Education Code, are amended to read as follows:

(a) The commissioner shall maintain a technology and [aa] instructional materials account for each school district. In the first year of each biennium, the commissioner shall deposit in the account for each district the amount of the district's technology and instructional materials allotment under Section 31.0211.

(b) The commissioner shall pay the cost of instructional materials requisitioned by a school district under Section 31.103 using funds from the district's technology and instructional materials account.

(d) Money deposited in a school district's technology and instructional materials account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

(e) The commissioner shall adopt rules as necessary to implement this section. The rules must include a requirement that a school district provide the title and publication information for any instructional materials requisitioned or purchased by the district with the district's technology and instructional materials allotment.

SECTION 9. Section 31.0213, Education Code, is amended to read as follows:

Sec. 31.0213. CERTIFICATION OF USE OF TECHNOLOGY AND INSTRUCTIONAL MATERIALS ALLOTMENT. Each school district shall annually certify to the commissioner that the district's technology and instructional materials allotment has been used only for expenses allowed by Section 31.0211.

SECTION 10. Section 31.0214(a), Education Code, is amended to read as follows:

(a) Each year the commissioner shall adjust the technology and instructional materials allotment of school districts experiencing high enrollment growth. The commissioner shall establish a procedure for determining high enrollment growth districts eligible to receive an adjustment under this section and the amount of the technology and instructional materials allotment those districts will receive.

SECTION 11. The heading to Section 31.0215, Education Code, is amended to read as follows:

Sec. 31.0215. TECHNOLOGY AND INSTRUCTIONAL MATERIALS
~~[MATERIAL]~~ ALLOTMENT PURCHASES.

SECTION 12. Sections 31.0215(b) and (c), Education Code, are amended to read as follows:

(b) The commissioner may allow a school district or open-enrollment charter school to place an order for instructional materials before the beginning of a fiscal biennium and to receive instructional materials before payment. The commissioner shall limit the cost of an order placed under this section to 80 percent of the estimated amount to which a school district or open-enrollment charter school is estimated to be entitled as provided by Subsection (a) and shall first credit any balance in a district or charter school technology and instructional materials account to pay for an order placed under this section.

(c) The commissioner shall make payments for orders placed under this section as funds become available to the technology and instructional materials fund and shall prioritize payment of orders placed under this section over reimbursement of purchases made directly by a school district or open-enrollment charter school.

SECTION 13. Section 31.0231(b), Education Code, is amended to read as follows:

(b) A school district may select material on the list adopted under Subsection (a) to be funded by the district's technology and instructional materials allotment under Section 31.0211.

SECTION 14. Section 31.029(a), Education Code, is amended to read as follows:

(a) A school district shall purchase with the district's technology and instructional materials allotment or otherwise acquire instructional materials for use in bilingual education classes.

SECTION 15. Section 31.031(a), Education Code, is amended to read as follows:

(a) A school district may purchase with the district's technology and instructional materials allotment or otherwise acquire instructional materials for use in college preparatory courses under Section 28.014.

SECTION 16. Section 31.071(e), Education Code, is amended to read as follows:

(e) The costs of administering this subchapter and purchasing state-developed open-source instructional materials shall be paid from the state technology and instructional materials fund, as determined by the commissioner.

SECTION 17. Chapter 31, Education Code, is amended by adding Subchapter B-2 to read as follows:

SUBCHAPTER B-2. INSTRUCTIONAL MATERIALS WEB PORTAL

Sec. 31.081. INSTRUCTIONAL MATERIALS WEB PORTAL. (a) The commissioner shall develop and maintain a web portal to assist school districts and open-enrollment charter schools in selecting instructional materials under Section 31.101.

(b) The web portal must include general information such as price, computer system requirements, and any other relevant specifications for each instructional material:

(1) on the instructional materials list, including the list adopted under Section 31.0231; or

(2) submitted by a publisher for inclusion in the web portal.

(c) The commissioner by rule shall establish the procedure by which a publisher may submit instructional materials for inclusion in the web portal.

(d) The commissioner shall use a competitive process to contract for the development of the web portal.

(e) The commissioner shall use money in the state technology and instructional materials fund to pay any expenses associated with the web portal.

Sec. 31.082. QUALITY OF INSTRUCTIONAL MATERIALS SUBMITTED BY PUBLISHER. (a) The commissioner shall contract with a private entity to conduct an independent analysis of each instructional material submitted by a publisher for inclusion in the web portal developed under Section 31.081. The analysis must:

(1) evaluate the quality of the material; and

(2) determine the extent to which the material covers the essential knowledge and skills identified under Section 28.002 for the subject and grade level for which the material is intended to be used, including an identification of:

(A) each of the essential knowledge and skills for the subject and grade level or levels covered by the material; and

(B) the percentage of the essential knowledge and skills for the subject and grade level or levels covered by the material.

(b) The commissioner shall include in the web portal developed under Section 31.081 the results of each analysis conducted under Subsection (a).

Sec. 31.083. INSTRUCTIONAL MATERIALS REPOSITORY. (a) In this section, "open educational resource" means a teaching, learning, or research resource that is in the public domain or has been released under an intellectual property license that permits the free use and repurposing of the resource by any person. The term may include full course curricula, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(b) The commissioner shall include in the web portal developed under Section 31.081 a repository of open educational resources and other electronic instructional materials that school districts and open-enrollment charter schools may access at no cost, including state-developed open-source instructional materials purchased under Subchapter B-1.

(c) A publisher may submit instructional materials for inclusion in the repository.

Sec. 31.084. RULES. The commissioner may adopt rules as necessary to implement this subchapter.

SECTION 18. Section 31.101(f), Education Code, is amended to read as follows:

(f) The commissioner shall maintain an online requisition system for school districts to requisition instructional materials to be purchased with the district's technology and instructional materials allotment.

SECTION 19. Section 31.151(d), Education Code, is amended to read as follows:

(d) A penalty collected under this section shall be deposited to the credit of the state technology and instructional materials fund.

SECTION 20. Chapter 32, Education Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.301. ESTABLISHMENT OF PROGRAM. (a) The commissioner may establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to access and use electronic instructional materials.

(b) A school district or an open-enrollment charter school may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall consider:

(1) the availability of existing equipment to students in the district or school;

(2) other funding available to the district or school; and

(3) the district's or school's technology plan.

(c) The commissioner may determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) The commissioner may recover funds not used in accordance with the terms of a grant by withholding amounts from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.302. FUNDING. (a) The commissioner may use not more than \$25 million from the state technology and instructional materials fund under Section 31.021 each state fiscal biennium or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) The cost of administering a grant program under this subchapter must be paid from funds described by Subsection (a).

Sec. 32.303. USE OF GRANT FUNDS. (a) A school district or open-enrollment charter school may use a grant awarded under Section 32.301 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.301 is the property of the district or school.

Sec. 32.304. REVIEW OF PROGRAM. Not later than January 1, 2019, the commissioner shall review the grant program established under this subchapter and submit a report to the governor, the lieutenant governor, the speaker of the

house of representatives, and the presiding officers of the standing committees in the senate and house primarily responsible for public education. This section expires September 1, 2019.

SECTION 21. Section 41.124(c), Education Code, is amended to read as follows:

(c) A school district that receives tuition for a student from a school district with a wealth per student that exceeds the equalized wealth level may not claim attendance for that student for purposes of Chapters 42 and 46 and the technology and instructional materials allotment under Section 31.0211.

SECTION 22. Section 43.001(d), Education Code, is amended to read as follows:

(d) Each biennium the State Board of Education shall set aside an amount equal to 50 percent of the distribution for that biennium from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state technology and instructional materials fund established under Section 31.021.

SECTION 23. Section 403.093(d), Government Code, is amended to read as follows:

(d) The comptroller shall transfer from the general revenue fund to the foundation school fund an amount of money necessary to fund the foundation school program as provided by Chapter 42, Education Code. The comptroller shall make the transfers in installments as necessary to comply with Section 42.259, Education Code, and permit the Texas Education Agency, to the extent authorized by the General Appropriations Act, to make temporary transfers from the foundation school fund for payment of the technology and instructional materials allotment under Section 31.0211, Education Code. Unless an earlier date is necessary for purposes of temporary transfers for payment of the technology and instructional materials allotment, an installment must be made not earlier than two days before the date an installment to school districts is required by Section 42.259, Education Code, and must not exceed the amount necessary for that payment and any temporary transfers for payment of the technology and instructional materials allotment.

SECTION 24. Not later than September 1, 2018, the commissioner of education shall develop the web portal required under Subchapter B-2, Chapter 31, Education Code, as added by this Act.

SECTION 25. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Howard moved to adopt the conference committee report on **HB 3526**.

The motion to adopt the conference committee report on **HB 3526** prevailed by (Record 2023): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Dukes.

HR 2622 - ADOPTED
(by E. Rodriguez)

The following privileged resolution was laid before the house:

HR 2622

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 4345** (the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds) to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding ARTICLE 2 to the bill to read as follows:

ARTICLE 2. SOUTHWESTERN TRAVIS COUNTY
GROUNDWATER CONSERVATION DISTRICT

SECTION 2.01. The legislature finds that:

(1) creation of the Southwestern Travis County Groundwater Conservation District:

(A) is consistent with the state's preferred method of groundwater management;

(B) will protect property rights, balance the development and conservation of groundwater with the needs of this state, and use the best available science in the area of groundwater through rules developed, adopted, and promulgated by the district in accordance with the provisions of Chapter 8871, Special District Local Laws Code, as added by this article; and

(C) will be a benefit to the land in the district and a public benefit and utility;

(2) the district is created to:

(A) protect the interests of private property ownership while balancing the interests of all property owners in the district;

(B) manage groundwater resources; and

(C) protect the groundwater in the district;

(3) although a property owner of land in the district is not entitled to an equal amount of water as another property owner of land in the district, a property owner does have a vested ownership interest in the groundwater beneath the owner's property, and the district shall recognize that ownership interest; and

(4) the Southwestern Travis County Groundwater Conservation District is not created to prohibit or restrict development of private property in the district.

SECTION 2.02. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8871 to read as follows:

CHAPTER 8871. SOUTHWESTERN TRAVIS COUNTY GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8871.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental
Quality.

(3) "Director" means a board member.

(4) "District" means the Southwestern Travis County Groundwater
Conservation District.

Sec. 8871.002. NATURE OF DISTRICT. The district is a groundwater
conservation district in Travis County created under and essential to accomplish
the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8871.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the
works and projects accomplished by the district under the powers conferred by
Section 59, Article XVI, Texas Constitution.

Sec. 8871.004. INITIAL DISTRICT TERRITORY. (a) The district is
initially composed of the territory described by Section 2.03 of the Act enacting
this chapter.

(b) The boundaries and field notes contained in Section 2.03 of the Act
enacting this chapter form a closure. A mistake made in the field notes or in
copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond; or

(3) legality or operation.

SUBCHAPTER B. TEMPORARY AND INITIAL DIRECTORS

Sec. 8871.021. APPOINTMENT OF TEMPORARY DIRECTORS; VACANCIES; TERMS. (a) Seven persons who reside in the district shall be appointed as temporary directors not later than the 90th day after the effective date of the article of the Act creating this chapter as follows:

(1) the county judge of Travis County shall appoint one temporary director;

(2) the county commissioner for the county commissioners precinct in which the district is principally located shall appoint two temporary directors;

(3) the state representative who represents the house district in which the district is principally located shall appoint two temporary directors; and

(4) the state senator who represents the senate district in which the district is principally located shall appoint two temporary directors.

(b) If a temporary director fails to qualify for office or a vacancy occurs on the temporary board, the remaining temporary directors shall appoint a person to fill the vacancy. If at any time there are fewer than four temporary directors, the state representative under Subsection (a)(3) shall appoint the necessary number of persons to fill all vacancies on the board.

(c) Temporary directors serve until the date initial directors are elected at an election held under Section 8871.024.

Sec. 8871.022. ORGANIZATIONAL MEETING. (a) Not later than the 45th day after the date on which the seventh temporary director is appointed under Section 8871.021, the temporary directors shall hold the organizational meeting of the district.

(b) The temporary directors shall select from among themselves a president, a vice president, and a secretary.

Sec. 8871.023. AUTHORITY OF TEMPORARY DIRECTORS. (a) Except as provided by Subsections (c) and (d) or as otherwise provided by this subchapter, the temporary directors of the district have the same permitting and general management powers as those provided for initial and permanent directors under this chapter and Chapter 36, Water Code.

(b) The temporary directors or their designees have the authority to enter any public or private property located in the district to inspect a water well that is not exempt under Section 8871.103, as provided by Section 36.123, Water Code.

(c) Except as provided by Section 8871.024, the temporary directors do not have the authority granted by the following provisions of Chapter 36, Water Code:

(1) Sections 36.017, 36.019, 36.020, and 36.059;

(2) Sections 36.105, 36.1071, 36.1072, 36.1073, and 36.108;

(3) Sections 36.171-36.181;

(4) Sections 36.201-36.204; and

(5) Subchapters J and K.

(d) The temporary directors may regulate the transfer of groundwater out of the district as provided by Section 36.122, Water Code, but may not prohibit the transfer of groundwater out of the district.

Sec. 8871.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall order an election in the district, to be held not later than the uniform election date in May 2018, to confirm the creation of the district and to elect the initial directors.

(b) At the election held under this section, the temporary board shall have placed on the ballot the names of the candidates who are eligible under Section 8871.051 for each of the seven positions on the board.

(c) Section 41.001(a), Election Code, applies to an election held under this section.

(d) Except as provided by this section, an election held under this section must be conducted as provided by the Election Code and Sections 36.017, 36.018, and 36.019, Water Code. The following provisions of the Water Code do not apply to an election under this section:

(1) Section 36.017(a);

(2) the provision of Section 36.017(d) governing ballot provisions for the election of permanent directors; and

(3) Section 36.059(b).

(e) If the district's creation is not confirmed at an election held under Subsection (a), the candidate who receives a majority of the votes cast at that election for each of the seven positions on the board becomes a temporary director of the district. The temporary directors elected under this subsection shall order a subsequent election to be held to confirm the creation of the district and to elect the initial directors not earlier than the uniform election date in May 2020.

(f) Temporary directors elected under Subsection (e) serve until:

(1) the date initial directors are elected at the subsequent election ordered under Subsection (e) if the creation of the district is confirmed; or

(2) the fourth anniversary of the date of the election held under Subsection (a) if the creation of the district is not confirmed.

(g) The vacancy provision of Section 8871.021, and Section 8871.023, apply to the temporary directors elected under Subsection (e).

Sec. 8871.025. INITIAL DIRECTORS. (a) Promptly after an election has been held under Section 8871.024 and the votes have been canvassed, if the creation of the district is confirmed, the temporary directors shall:

(1) declare for each board position the person who receives the most votes for that position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the commission.

(b) The initial directors shall draw lots to determine which three initial directors serve two-year terms and which four initial directors serve four-year terms.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8871.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven directors.

(b) Directors elected after the election held under Section 8871.024 serve four-year terms.

(c) The directors are elected as follows:

(1) one director must reside in the corporate limits of the City of Bee Cave and be elected by voters residing in the City of Bee Cave;

(2) one director must reside in the corporate limits of the City of Lakeway or Village of the Hills and be elected by voters residing in the City of Lakeway and Village of the Hills;

(3) one director must reside in the corporate limits of the City of West Lake Hills and be elected by voters residing in the City of West Lake Hills; and

(4) four directors must:

(A) reside inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills;

(B) be elected by voters residing inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills; and

(C) each use groundwater as a source of water supply for one or more beneficial uses at their respective residences.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8871.102. AQUIFER STORAGE AND RECOVERY PROJECTS. The district may implement and develop aquifer storage and recovery projects in accordance with:

(1) Chapters 27 and 36, Water Code; and

(2) commission rules and guidance.

Sec. 8871.103. EXEMPT WELLS. (a) Groundwater withdrawals from the following wells may not be regulated, permitted, or metered by the district:

(1) a well used for domestic use by a single private residential household and incapable of producing more than 10,000 gallons per day; and

(2) a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres;
and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

(b) The district may not charge or collect a well construction fee for a well described by Subsection (a)(2).

(c) A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.

Sec. 8871.104. PERMIT REQUIRED. A well owner must obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well for purposes other than those exempted by Section 8871.103.

Sec. 8871.105. ACCESS TO PROPERTY. (a) Subject to Subsection (b), an employee or agent of the district is entitled to enter public or private property in the district at any reasonable time to:

- (1) inspect an exempt well;
- (2) inspect and investigate conditions relating to the quality of water in the state; and
- (3) monitor compliance with any rule, regulation, permit, or other order of the district.

(b) An employee or agent of the district must obtain the permission of the property owner before entering public or private property.

(c) If any employee or agent of the district is refused the right to enter public or private property in the district under this section, the district may seek a court order from a district court authorizing the district to enter the land.

(d) An employee or agent who enters private property under this section shall:

- (1) observe the property's rules and regulations, if any, concerning safety, internal security, and fire protection;
- (2) notify management or a person in charge of the presence of the employee or agent; and
- (3) exhibit proper credentials.

Sec. 8871.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER E. FINANCIAL PROVISIONS

Sec. 8871.151. WELL CONSTRUCTION FEE. The district may charge and collect a new well construction fee not to exceed \$1,000 for a new well.

Sec. 8871.152. PERMIT RENEWAL APPLICATION FEE. The district may charge and collect a permit renewal application fee not to exceed \$400.

Sec. 8871.153. SERVICE CONNECTION FEE. (a) This section does not apply to a water utility that has surface water as its sole source of water.

(b) The district may levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2017.

Sec. 8871.154. PRODUCTION FEE. The district may impose reasonable production fees on each well that is not exempt from permitting under Section 8871.103 based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this section in an amount greater than 20 cents per thousand gallons.

Sec. 8871.155. ADMINISTRATIVE MANAGEMENT FEE. The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on a well that is exempt from permitting in an amount not greater than \$40 per well, per year.

Sec. 8871.156. CERTAIN FEES PROHIBITED. The district may not charge a fee under Section 36.205(b), (c), or (f), Water Code.

Sec. 8871.157. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

SECTION 2.03. The Southwestern Travis County Groundwater Conservation District initially includes all the territory contained in the following area:

THE TERRITORY OF THE SOUTHWEST TRAVIS COUNTY PORTION OF THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA - AS DESCRIBED BY 2010 TCEQ REPORT; "The southwestern Travis territory is located in the southwestern quarter of Travis County. The southwestern Travis territory is bound to the west by Blanco and Burnet counties, southwest by Hays County, and southeast by the northwestern boundary of the Barton Springs/Edwards Aquifer Conservation District (BS/EACD). The northern boundary of the southwestern Travis territory is the Colorado River (Lake Travis, Lake Austin, and Lady Bird Lake)."

SECTION 2.04. (a) The legal notice of the intention to introduce this article of this Act, setting forth the general substance of this article of this Act, has been published as provided by law, and the notice and a copy of this article of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and this article of this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article of this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article of this Act are fulfilled and accomplished.

SECTION 2.05. This article takes effect September 1, 2017.

Explanation: The change is necessary to create the Southwestern Travis County Groundwater Conservation District and provide the district the ability to issue bonds and impose fees.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.01 of the bill, in proposed Sections 8013.006, 8013.053, and 8013.153, Special District Local Laws Code, in proposed SECTION 1.03 of the bill, in the provision regarding legal notice and other requirements, and in SECTION 1.04 of the bill, in the effective date provision, by renumbering references to SECTION 2 of the bill as SECTION 1.02 and changing references to "this Act" to "this article of this Act".

EXPLANATION: This change is necessary to accommodate the addition of a second article to the Act.

HR 2622 was adopted by (Record 2024): 145 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Murr; Paddie(C).

Absent — Deshotel; Dukes.

HB 4345 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative E. Rodriguez submitted the following conference committee report on **HB 4345**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 4345** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Watson
Menéndez
Buckingham
Seliger
Campbell
On the part of the senate

E. Rodriguez
Workman
Israel
Uresti
Howard
On the part of the house

HB 4345, A bill to be entitled An Act relating to the creation of the Rio de Vida Municipal Utility District No. 1 and the creation of the Southwestern Travis County Groundwater Conservation District; providing authority to impose taxes and fees; providing authority to issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. RIO DE VIDA MUNICIPAL UTILITY DISTRICT NO. 1

SECTION 1.01. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8013 to read as follows:

CHAPTER 8013. RIO DE VIDA MUNICIPAL UTILITY

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8013.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Austin, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "County" means Travis County.

(5) "Director" means a board member.

(6) "District" means the Rio de Vida Municipal Utility District No. 1.

Sec. 8013.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8013.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect four permanent directors.

Sec. 8013.004. CONSENT OF CITY REQUIRED. (a) The temporary directors may not hold an election under Section 8013.003 until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) If the city does not consent to the creation of the district under this section before February 14, 2020:

(1) the district is dissolved February 14, 2020, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to the city or another local governmental entity to be used for a public purpose; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires February 14, 2020.

Sec. 8013.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution;

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(3) Section 52-a, Article III, Texas Constitution.

(c) By creating the district and in authorizing the city, the county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

Sec. 8013.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 1.02 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 1.02 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Sec. 8013.007. ELIGIBILITY FOR INCLUSION IN TAX ABATEMENT REINVESTMENT ZONE. All or any part of the area of the district is eligible to be included in a tax abatement reinvestment zone under Chapter 312, Tax Code.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8013.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year.

(b) A director may not serve more than two full terms of four years.

(c) The board consists of:

(1) four elected directors; and

(2) one director appointed by the governing body of the city.

(d) A director appointed under Subsection (c)(2) is not required to reside in the district or to own real property in the district.

(e) The common law doctrine of incompatibility does not disqualify an elected official or employee of the city from being appointed as a director by the governing body of the city under Subsection (c)(2). A director appointed to the board may continue to serve in a public office of or be employed by the city.

Sec. 8013.052. QUALIFICATIONS. Except as provided by Section 8013.051(d), to qualify to serve on the board, a person must:

(1) reside in the district; or

(2) own real property in the district.

Sec. 8013.053. TEMPORARY DIRECTORS. (a) On or after the effective date of the article of the Act enacting this chapter, the owners of a majority of the assessed value of the real property in the district may submit a petition to the

commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Unless the district is dissolved and this chapter expires as provided by Section 8013.004, temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8013.003; or

(2) September 1, 2021.

(c) Section 8013.052 does not apply to a director appointed under this section.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8013.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8013.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8013.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or the city for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8013.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of the city.

(b) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8013.105. COMPLIANCE WITH CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district, including affordable housing requirements established in the consent agreement.

(b) Any agreement between the district and the city related to the city's consent to the creation of the district is valid and enforceable.

(c) On the issuance of bonds, the district is considered to have acknowledged and consented to the exercise of the city's authority as to actions taken by the city under Section 54.016(g), Water Code.

Sec. 8013.106. CONTRACT TO FURTHER REGIONAL COOPERATION. The district and city may contract on terms that the board and governing body of the city agree will further regional cooperation between the district and city.

Sec. 8013.107. GRADING AND IMPROVEMENTS TO LAND IN THE DISTRICT. The district may construct, acquire, improve, maintain, finance, or operate a facility or improvement related to reclaiming or grading land in the district.

Sec. 8013.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8013.151. DIVISION OF DISTRICT; PREREQUISITES. The district may be divided into two or more new districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

Sec. 8013.152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 8013.153. LIMITATION ON AREA OF NEW DISTRICT. A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 1.02 of the Act enacting this chapter.

Sec. 8013.154. CONSENT OF CITY OR COUNTY. If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of the city, the district may not divide under this subchapter unless the city by resolution or ordinance first consents to the division of the district.

Sec. 8013.155. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8013.003 to confirm the district's creation.

(c) An order dividing the district must:

- (1) name each new district;
- (2) include the metes and bounds description of the territory of each new district;
- (3) appoint temporary directors for each new district; and
- (4) provide for the division of assets and liabilities between the new districts.

(d) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

Sec. 8013.156. TAX OR BOND ELECTION. Before a new district created by the division of the district may impose a sales and use tax or an operation and maintenance tax or issue bonds payable wholly or partly from ad valorem taxes, the new district must hold an election as required by this chapter.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8013.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 8013.203.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8013.202. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8013.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) If required by an agreement between the district and city under Section 8013.106, the total ad valorem tax rate of the district may not be less than the total ad valorem tax rate of the city.

Sec. 8013.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8013.251. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, sales and use taxes, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8013.252. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8013.253. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SUBCHAPTER G. SALES AND USE TAX

Sec. 8013.301. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 8013.302. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if:

(1) the city consents to the adoption of the tax; and

(2) the tax is authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) Subject to city consent under Subsection (a), the board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The district shall provide notice of the election and shall hold the election in the manner prescribed by Section 8013.201.

(d) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the (insert name of district or name of new district created under Subchapter D) at a rate not to exceed _____ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 8013.303. SALES AND USE TAX RATE. (a) Not later than the 10th day after the date the results are declared of an election held under Section 8013.302, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 8013.302, the board may decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c) The rate of the tax may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 8013.302;

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district; or

(3) the sales and use tax rate adopted by the City of Austin.

(d) The board shall notify the comptroller of any changes made to the tax rate in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 8013.304. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 8013.305. ABOLITION OF TAX. (a) The board may abolish the tax imposed under this subchapter without an election.

(b) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(c) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 8013.302 before the district may subsequently impose the tax.

SUBCHAPTER H. MUNICIPAL ANNEXATION AND DISSOLUTION

Sec. 8013.401. APPLICABILITY OF LAW ON WATER-RELATED SPECIAL DISTRICT THAT BECOMES PART OF NOT MORE THAN ONE MUNICIPALITY. Section 43.075, Local Government Code, applies to the district.

Sec. 8013.402. STRATEGIC PARTNERSHIP; CONTINUATION OF DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may continue to exist as a limited district after full-purpose annexation by a municipality if the district and the annexing municipality state the terms of the limited district's existence in a strategic partnership agreement under Section 43.0751, Local Government Code.

(b) The strategic partnership agreement may provide for an original or renewed term of any number of years. The limitation in Section 43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

Sec. 8013.403. NOTICE OF FUTURE CITY ANNEXATION REQUIRED.

(a) Not later than the 30th day after the date the city consents to the creation of the district and to the inclusion of land in the district under Section 8013.004(a), the city shall file, in the real property records of the county, a notice to a purchaser of real property in the district that describes:

- (1) the city's authority and intention to annex the district; and
- (2) the anticipated date of the annexation.

(b) After the notice is filed, a person who proposes to sell or otherwise convey real property in the district must provide a copy of the notice to a purchaser of the property before selling or conveying the property to the purchaser.

SECTION 1.02. The Rio de Vida Municipal Utility District No. 1 initially includes all the territory contained in the following area:

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE REUBEN HORNSBY SURVEY NO. 17, JOSEPH DUTY SURVEY NO. 20 AND THE JOHN BURLESON SURVEY NO. 33, TRAVIS COUNTY, TEXAS; BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS: A 353.08-ACRE TRACT (TO BE KNOWN AS PARCEL 01-1) AND A 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 12448, PAGE 737 AND VOLUME 13170, PAGE 656; A 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 13170, PAGE 656; A 102.188-ACRE TRACT (PARCEL NO. 1) (TO BE KNOWN AS PARCEL 02-1), A 29.008-ACRE TRACT (PARCEL NO. 2) (TO BE KNOWN AS PARCEL 02-2) AND A 10.743-ACRE TRACT (PARCEL

NO. 3) (TO BE KNOWN AS PARCEL 02-3) IN VOLUME 12593, PAGE 2001; A 22.911-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 04-1) IN VOLUME 11985, PAGE 1238 AND VOLUME 13170, PAGE 656; A 19.253-ACRE TRACT (PARCEL 3) (TO BE KNOWN AS PARCEL 05-1), A 4.591-ACRE TRACT (PARCEL 1) (TO BE KNOWN AS PARCEL 06-1) AND A 16.931-ACRE TRACT (PARCEL 2) (TO BE KNOWN AS PARCEL 06-2) IN VOLUME 13304, PAGE 3306; A 52.487-ACRE TRACT (TO BE KNOWN AS PARCEL 08-1) IN VOLUME 13088, PAGE 429; A PORTION OF A 6.605-ACRE TRACT (TRACT 1) (TO BE KNOWN AS PARCEL 08-2) AND A 5.411-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 12-1) IN VOLUME 13088, PAGE 421; A 51.32-ACRE TRACT (TO BE KNOWN AS PARCEL 10-1) IN VOLUME 12703, PAGE 411 AND VOLUME 13170, PAGE 656; A 6.262-ACRE TRACT (TO BE KNOWN AS PARCEL 11-1) IN VOLUME 12835, PAGE 1489; A 22.967-ACRE TRACT (TO BE KNOWN AS PARCEL 13-1) IN VOLUME 9872, PAGE 77 AND VOLUME 13170, PAGE 656; A 14.272-ACRE TRACT (TRACT 8) (TO BE KNOWN AS PARCEL 14-1), A 21.100-ACRE TRACT (TRACT 9) (TO BE KNOWN AS PARCEL 15-1), A 32.738-ACRE TRACT (TRACT 17) (TO BE KNOWN AS PARCEL 17-1), A 8.051-ACRE TRACT (TRACT 12) (TO BE KNOWN AS PARCEL 18-1), A 9.744-ACRE TRACT (TRACT 13) (TO BE KNOWN AS PARCEL 18-2), A 9.752-ACRE TRACT (TRACT 14) (TO BE KNOWN AS PARCEL 18-3), A 15.981-ACRE TRACT (TRACT 15) (TO BE KNOWN AS PARCEL 18-4), A 19.127-ACRE TRACT (TRACT 16) (TO BE KNOWN AS PARCEL 18-5), A 10.274-ACRE TRACT (TRACT 10) (TO BE KNOWN AS PARCEL 21-1), A 9.825-ACRE TRACT (TRACT 11) (TO BE KNOWN AS PARCEL 21-2), A PORTION OF A 44.586-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 23-1), A PORTION OF A 15.959-ACRE TRACT (TRACT 7) (TO BE KNOWN AS PARCEL 23-2), A PORTION OF A 15.946-ACRE TRACT (TRACT 6) (TO BE KNOWN AS PARCEL 23-3) AND A PORTION OF A 14.135-ACRE TRACT (TRACT 3) (TO BE KNOWN AS PARCEL 28-1) IN VOLUME 12326, PAGE 1154 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 45.874-ACRE TRACT (TO BE KNOWN AS PARCEL 19-1) IN VOLUME 12270, PAGE 1633 AND VOLUME 13170, PAGE 656; A 13.853-ACRE TRACT (TO BE KNOWN AS PARCEL 20-1) IN VOLUME 12326, PAGE 1149 AND VOLUME 13170, PAGE 656; A PORTION OF A 32.403-ACRE TRACT (TRACT 4) (TO BE KNOWN AS PARCEL 22-1) AND A PORTION OF A 50.388-ACRE TRACT (TRACT 1) (TO BE KNOWN AS PARCEL 28-2) IN VOLUME 12326, PAGE 1109 AND VOLUME 13170, PAGE 656; AND A 83.838-ACRE TRACT (TO BE KNOWN AS PARCEL 27-1) IN VOLUME 11955, PAGE 972 AND VOLUME 13170, PAGE 656; AND ALSO BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS: A

49.994-ACRE TRACT (TRACT 1) (TO BE KNOWN AS PARCEL 03-1), A PORTION OF A 85.957-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 03-2), A PORTION OF A 41.043-ACRE TRACT (TRACT 3) (TO BE KNOWN AS PARCEL 03-3), A 69.542-ACRE TRACT (TRACT 4) (TO BE KNOWN AS PARCEL 03-4), A 55.299-ACRE TRACT (TRACT 5) (TO BE KNOWN AS PARCEL 03-5), A PORTION OF A 33.214-ACRE TRACT (TO BE KNOWN AS PARCEL 03-6) AND A 39.355-ACRE TRACT (TRACT 6) (TO BE KNOWN AS PARCEL 03-7) IN DOCUMENT NO. 1999152526; A 223.497-ACRE TRACT (TO BE KNOWN AS PARCEL 07-1) IN DOCUMENT NO. 2005002939; A 194.824-ACRE TRACT (TRACT A) (TO BE KNOWN AS PARCEL 09-1) AND A 67.418-ACRE TRACT (TRACT B) (TO BE KNOWN AS PARCEL 09-2) IN DOCUMENT NO. 2005007841; PORTIONS OF A 101.697-ACRE TRACT (TRACT 1) AND A 14.054-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 24-1) IN DOCUMENT NO. 1999148757; A 39.462-ACRE TRACT (TO BE KNOWN AS PARCEL 25-1) IN DOCUMENT NO. 2006133198; AND A 33.35-ACRE TRACT (TO BE KNOWN AS PARCEL 26-1) IN DOCUMENT NO. 2005007845; AND BEING MORE PARTICULARLY DESCRIBED IN FIVE (5) TRACTS BY METES AND BOUNDS AS FOLLOWS:

TRACT 1

BEGINNING at a calculated point at the intersection of the north bank of the Colorado River and the east right-of-way line of State Highway No. 130, at the southwest corner of the above-described Parcel 09-1, for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the east right-of-way line of said State Highway No. 130, the following seven (7) courses:

- 1) N08°37'24"W a distance of 537.28 feet to a calculated angle point;
- 2) N01°34'38"W a distance of 3,468.10 feet to a calculated angle point;
- 3) N59°15'05"E a distance of 166.15 feet to a calculated angle point;
- 4) N08°13'09"E a distance of 547.29 feet to a calculated angle point;
- 5) N52°30'09"W a distance of 138.99 feet to a calculated non-tangent point of curvature of a curve to the right;

6) Along said curve to the right an arc distance of 1,274.92 feet, having a radius of 3,458.72 feet, and a chord which bears N19°25'33"E a distance of 1,267.71 feet to a calculated point of tangency; and

7) N29°59'08"E a distance of 421.69 feet to a calculated point at the northwest corner of said Parcel 09-1;

THENCE, with the north line of said Parcel 09-1, the following three (3) courses:

- 1) S60°37'51"E a distance of 116.20 feet to a to a calculated point;
- 2) N29°22'09"E a distance of 83.70 feet to a calculated point; and
- 3) S60°41'35"E a distance of 416.71 feet to a calculated point on the west

line of the above-described Parcel 01-1 at the most northerly northeast corner of said Parcel 09-1;

THENCE, with the west line of said Parcel 01-1, the following five (5) courses:

- 1) N27°20'56"E a distance of 39.85 feet to a calculated angle point;
- 2) N49°43'26"E a distance of 65.85 feet to a calculated angle point;
- 3) N27°21'16"E a distance of 619.40 feet to a calculated point at an inside corner of said Parcel 01-1;
- 4) N62°38'24"W a distance of 5.00 feet to a calculated point at an outside corner of said Parcel 01-1; and
- 5) N27°21'36"E a distance of 617.35 feet to a calculated point on the south line of the above-described Parcel 16-1 at the northwest corner of said Parcel 01-1;

THENCE N62°22'51"W a distance of 40.60 feet to a calculated point on the east line of the above-described Parcel 23-1;

THENCE, with the east line of said Parcel 23-1, the following four (4) courses:

- 1) S27°22'35"W a distance of 618.29 feet to a calculated point for an outside corner of said Parcel 23-1;
- 2) N62°37'49"W a distance of 5.00 feet to a calculated point for an inside corner of said Parcel 23-1;
- 3) S27°22'11"W a distance of 618.51 feet to a calculated angle point; and
- 4) S73°40'29"W a distance of 69.55 feet to a calculated point at the southeast corner of said Parcel 23-1;

THENCE, with the south line of said Parcel 23-1, N60°41'02"W a distance of 339.91 feet to a calculated point on the east right-of-way line of State Highway No. 130 at the southwest corner of said Parcel 23-1;

THENCE, with the east right-of-way line of said State Highway No. 130, the following three (3) courses:

- 1) N30°02'29"E a distance of 1,101.68 feet to a calculated angle point;
- 2) N20°27'12"E a distance of 2,012.40 feet to a calculated angle point; and
- 3) N27°27'12"E a distance of 432.97 feet to a calculated point at the northwest corner of the above-described Parcel 23-3;

THENCE, with the north line of said Parcel 23-3, S62°04'21"E a distance of 608.26 feet to a calculated point on the west line of the above-described Parcel 14-1 at the northeast corner of said Parcel 23-3;

THENCE, with the west line of said Parcel 14-1, N27°45'52"E a distance of 393.68 feet to a calculated point at the northwest corner of said Parcel 14-1, also being the most westerly southwest corner of the above-described Parcel 01-2;

THENCE, with the west line of said Parcel 01-2, N28°07'17"E a distance of 224.92 feet to a calculated point at the southeast corner of the above-described Parcel 24-1;

THENCE, with the south line of said Parcel 24-1, N62°34'20"W a distance of 613.00 feet to a calculated point on the east right-of-way line of said State Highway No. 130 at the southwest corner of said Parcel 24-1;

THENCE, with the east right-of-way line of said State Highway No. 130, the following nine (9) courses:

- 1) N27°27'12"E a distance of 1,672.04 feet to a calculated angle point;
- 2) N32°27'12"E a distance of 1,894.71 feet to a calculated angle point;
- 3) N29°36'58"E a distance of 516.40 feet to a calculated point;

- 4) $S61^{\circ}16'47''E$ a distance of 91.29 feet to a calculated point;
- 5) $N33^{\circ}24'29''E$ a distance of 576.93 feet to a calculated point;
- 6) $N61^{\circ}16'47''W$ a distance of 126.37 feet to a calculated point;
- 7) $N26^{\circ}30'22''E$ a distance of 430.28 feet to a calculated point;
- 8) $N61^{\circ}16'47''W$ a distance of 56.58 feet to a calculated point; and
- 9) $N27^{\circ}27'30''E$ a distance of 956.84 feet to a calculated point at the intersection with the south right-of-way line of FM Highway No. 969, also being the northwest corner of said Parcel 24-1;

THENCE, with the south right-of-way line of said FM Highway No. 969, the following six (6) courses:

- 1) $S64^{\circ}07'08''E$ a distance of 395.49 feet to a calculated point;
- 2) $S22^{\circ}48'20''W$ a distance of 61.04 feet to a calculated point;
- 3) $S67^{\circ}11'40''E$ a distance of 110.00 feet to a calculated point;
- 4) $N22^{\circ}48'20''E$ a distance of 60.54 feet to a calculated point;
- 5) $S77^{\circ}33'00''E$ a distance of 201.73 feet to a calculated angle point; and
- 6) $S65^{\circ}03'31''E$ a distance of 381.97 feet to a calculated point at the northeast corner of the above-described Parcel 08-2;

THENCE, with the east line of said Parcel 08-2, $S12^{\circ}49'01''W$ a distance of 1,365.75 feet to a calculated point at an inside corner of the above-described Parcel 02-1;

THENCE, with the north line of said Parcel 02-1, $S62^{\circ}34'57''E$ a distance of 947.19 feet to a calculated point at the most easterly northeast corner of said Parcel 02-1;

THENCE, with the east line of said Parcel 02-1, $S27^{\circ}12'42''W$ a distance of 1,350.79 feet to a calculated angle point;

THENCE, continuing with the east line of said Parcel 02-1, $S27^{\circ}42'57''W$ a distance of 1,658.43 feet to a calculated point at the northeast corner of said Parcel 01-2;

THENCE, with the east line of said Parcel 01-2, $S27^{\circ}36'56''W$ a distance of 1,486.26 feet to a calculated point at an outside corner of said Parcel 01-2 on the north line of the above-described Parcel 04-1;

THENCE, with the north line of said Parcel 04-1, $S62^{\circ}13'13''E$ a distance of 697.01 feet to a calculated point at the northeast corner of said Parcel 04-1, also being the northwest corner of the above-described Parcel 19-1;

THENCE, with the north line of said Parcel 19-1, $S62^{\circ}14'53''E$ a distance of 461.49 feet to a calculated point at the southwest corner of the above-described Parcel 10-1;

THENCE, with the west line of said Parcel 10-1, $N27^{\circ}49'54''E$ a distance of 3,150.15 feet to a calculated point at the northwest corner of said Parcel 10-1;

THENCE, with the north line of said Parcel 10-1, $S62^{\circ}43'06''E$ a distance of 710.22 feet to a calculated point at the northeast corner of said Parcel 10-1;

THENCE, with the east line of said Parcel 10-1, $S27^{\circ}52'34''W$ a distance of 3,156.02 feet to a calculated point at the southeast corner of said Parcel 10-1, also being the northwest corner of the above-described Parcel 06-1;

THENCE, with the north line of said Parcel 06-1, S61°04'03"E a distance of 289.04 feet to a calculated point at the northwest corner of the above-described Parcel 12-1;

THENCE, with the north line of said Parcel 12-1, S63°22'55"E a distance of 457.28 feet to a calculated point at the northwest corner of the above-described Parcel 06-2;

THENCE, with the north line of said Parcel 06-2, S64°42'36"E a distance of 378.00 feet to a calculated point at the northwest corner of the above-described Parcel 20-1;

THENCE, with the north line of said Parcel 20-1, S70°09'59"E a distance of 400.67 feet to a calculated point at the northwest corner of the above-described Parcel 02-3;

THENCE, with the north line of said Parcel 02-3, the following three (3) courses:

- 1) S67°05'07"E a distance of 104.58 feet to a calculated angle point;
- 2) S53°35'54"E a distance of 105.83 feet to a calculated angle point; and
- 3) S55°41'48"E a distance of 206.91 feet to a calculated point at the northeast corner of said Parcel 02-3;

THENCE, with the east line of said Parcel 02-3, S28°01'49"W a distance of 899.00 feet to a calculated point on the north bank of the Colorado River at the southeast corner of said Parcel 02-3;

THENCE, with the meanders of the north bank of the Colorado River, the following fifty-nine (59) courses:

- 1) S78°57'26"W a distance of 265.40 feet to a calculated point;
- 2) S58°33'04"W a distance of 403.36 feet to a calculated point;
- 3) S27°53'07"W a distance of 24.17 feet to a calculated point;
- 4) S73°19'34"W a distance of 179.78 feet to a calculated point;
- 5) S80°40'33"W a distance of 284.45 feet to a calculated point;
- 6) N26°28'28"E a distance of 20.96 feet to a calculated point;
- 7) S75°36'26"W a distance of 293.31 feet to a calculated point;
- 8) S86°20'34"W a distance of 84.16 feet to a calculated point;
- 9) S79°42'18"W a distance of 141.79 feet to a calculated point;
- 10) S27°00'43"W a distance of 26.90 feet to a calculated point;
- 11) S78°05'41"W a distance of 99.68 feet to a calculated point;
- 12) S71°38'12"W a distance of 426.53 feet to a calculated point;
- 13) S58°35'29"W a distance of 276.51 feet to a calculated point;
- 14) S24°20'35"W a distance of 359.58 feet to a calculated point;
- 15) S08°24'01"W a distance of 300.61 feet to a calculated point;
- 16) S07°37'34"E a distance of 185.37 feet to a calculated point;
- 17) S02°25'49"E a distance of 59.41 feet to a calculated point;
- 18) S01°21'36"W a distance of 38.60 feet to a calculated point;
- 19) S08°00'24"E a distance of 41.40 feet to a calculated point;
- 20) S09°09'36"W a distance of 373.90 feet to a calculated point;
- 21) S31°59'36"W a distance of 107.30 feet to a calculated point;
- 22) S18°00'36"W a distance of 293.50 feet to a calculated point;
- 23) S30°25'36"W a distance of 112.00 feet to a calculated point;

24) S10°51'36"W a distance of 634.90 feet to a calculated point;
25) S02°34'36"W a distance of 30.70 feet to a calculated point;
26) S59°28'24"E a distance of 57.10 feet to a calculated point;
27) S03°40'24"E a distance of 310.40 feet to a calculated point;
28) S16°21'36"W a distance of 278.50 feet to a calculated point;
29) S17°53'36"W a distance of 322.40 feet to a calculated point;
30) S32°29'36"W a distance of 792.30 feet to a calculated point;
31) S18°11'36"W a distance of 184.90 feet to a calculated point;
32) N63°10'34"W a distance of 44.96 feet to a calculated point;
33) S19°04'38"W a distance of 21.49 feet to a calculated point;
34) S27°17'38"W a distance of 190.50 feet to a calculated point;
35) S23°12'38"W a distance of 266.20 feet to a calculated point;
36) S33°52'38"W a distance of 191.10 feet to a calculated point;
37) S61°12'38"W a distance of 280.40 feet to a calculated point;
38) S63°15'38"W a distance of 345.10 feet to a calculated point;
39) S72°35'38"W a distance of 285.20 feet to a calculated point;
40) N85°31'22"W a distance of 165.00 feet to a calculated point;
41) N72°50'22"W a distance of 150.00 feet to a calculated point;
42) N10°15'22"W a distance of 135.80 feet to a calculated point;
43) N04°17'22"W a distance of 37.00 feet to a calculated point;
44) N38°51'22"W a distance of 391.50 feet to a calculated point;
45) N12°14'22"W a distance of 40.00 feet to a calculated point;
46) N07°15'38"E a distance of 183.00 feet to a calculated point;
47) S47°45'38"W a distance of 386.10 feet to a calculated point;
48) S75°54'39"W a distance of 102.43 feet to a calculated point;
49) S71°46'05"W a distance of 154.03 feet to a calculated point;
50) S65°38'42"W a distance of 430.32 feet to a calculated point;
51) S49°58'20"W a distance of 207.45 feet to a calculated point;
52) S47°30'01"W a distance of 581.94 feet to a calculated point;
53) S58°05'16"W a distance of 199.26 feet to a calculated point;
54) S55°02'26"W a distance of 168.25 feet to a calculated point;
55) S66°49'36"W a distance of 424.33 feet to a calculated point;
56) S70°27'05"W a distance of 178.44 feet to a calculated point;
57) S73°49'29"W a distance of 103.82 feet to a calculated point;
58) S85°43'30"W a distance of 78.52 feet to a calculated point; and
59) S78°29'14"W a distance of 59.80 feet to the POINT OF BEGINNING,
and containing 1,370 acres of land, more or less.

TRACT 2

BEGINNING at a calculated point at the intersection of the north bank of the Colorado River and the west right-of-way line of State Highway No. 130, at the southeast corner of the above-described Parcel 03-2, for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the meanders of the north bank of the Colorado River, the following twenty-two (22) courses:

- 1) S76°37'38"W a distance of 1.87 feet to a calculated point;
- 2) S72°53'53"W a distance of 518.11 feet to a calculated point;

- 3) S75°14'11"W a distance of 517.88 feet to a calculated point;
- 4) S70°55'05"W a distance of 289.38 feet to a calculated point;
- 5) S81°58'40"W a distance of 118.79 feet to a calculated point;
- 6) S63°21'33"W a distance of 277.07 feet to a calculated point;
- 7) S49°47'25"W a distance of 47.81 feet to a calculated point;
- 8) S64°43'53"W a distance of 353.97 feet to a calculated point;
- 9) S62°39'35"W a distance of 626.81 feet to a calculated point;
- 10) S72°28'38"W a distance of 203.07 feet to a calculated point;
- 11) S85°12'41"W a distance of 191.20 feet to a calculated point;
- 12) N89°48'48"W a distance of 82.77 feet to a calculated point;
- 13) N83°17'50"W a distance of 141.54 feet to a calculated point;
- 14) N83°16'30"W a distance of 332.35 feet to a calculated point;
- 15) N72°21'14"W a distance of 159.08 feet to a calculated point;
- 16) N80°26'48"W a distance of 189.39 feet to a calculated point;
- 17) N79°57'59"W a distance of 91.38 feet to a calculated point;
- 18) S85°50'53"W a distance of 69.91 feet to a calculated point;
- 19) N78°28'45"W a distance of 123.84 feet to a calculated point;
- 20) N68°18'10"W a distance of 159.21 feet to a calculated point;
- 21) N80°39'08"W a distance of 135.80 feet to a calculated point; and
- 22) S78°59'06"W a distance of 43.91 feet to a calculated point at the intersection with the east right-of-way line of FM Highway No. 973, also being the most southerly southwest corner of the above-described Parcel 03-5;

THENCE, with the east right-of-way line of said FM Highway No. 973, N10°21'00"E a distance of 147.12 feet to a calculated point of curvature of a curve to the left;

THENCE, continuing with the east right-of-way line, along said curve to the left an arc distance of 623.12 feet, having a radius of 622.94 feet, and a chord which bears N18°18'22"W a distance of 597.46 feet to a calculated point at the most westerly southwest corner of said Parcel 03-5;

THENCE, with the west line of said Parcel 03-5, N27°38'58"E a distance of 2,173.14 feet to a calculated point at the northwest corner of said Parcel 03-5;

THENCE, with the north line of said Parcel 03-5, S62°35'52"E a distance of 953.15 feet to a calculated point in the west line of the above-described Parcel 03-7 at the northeast corner of said Parcel 03-5;

THENCE, with the west line of said Parcel 03-7, N27°51'48"E a distance of 830.67 feet to a calculated angle point;

THENCE, continuing with the west line of said Parcel 03-7, N27°04'22"E a distance of 660.77 feet to a calculated angle point;

THENCE, with the west line of the above-described Parcel 03-01, N27°16'45"E a distance of 2,498.68 feet to a calculated point at the northwest corner of said Parcel 03-1, also being the southwest corner of the above-described Parcel 28-2;

THENCE, with the west line of said Parcel 28-2, the following five (5) courses:

- 1) N23°25'44"E a distance of 14.81 feet to a calculated angle point;
- 2) N27°12'18"E a distance of 110.07 feet to a calculated angle point;

- 3) N27°08'13"E a distance of 109.97 feet to a calculated angle point;
- 4) N27°14'30"E a distance of 114.81 feet to a calculated angle point; and
- 5) N27°12'49"E a distance of 7.53 feet to a calculated point at the southeast corner of the above-described Parcel 27-1;

THENCE, with the south line of said Parcel 27-1, N62°40'24"W a distance of 1,722.95 feet to a calculated point on the east right-of-way line of FM Highway No. 973 at the southwest corner of said Parcel 27-1;

THENCE, with the east right-of-way line of said FM Highway No. 973, N27°14'18"E a distance of 2,115.67 feet to a calculated point at the intersection with the south right-of-way line of Harold Green Road at the northwest corner of said Parcel 27-1;

THENCE, with the south right-of-way line of said Harold Green Road, S62°58'47"E a distance of 1,685.22 feet to a calculated angle point;

THENCE, continuing with the south right-of-way line of said Harold Green Road, S49°54'08"E a distance of 37.29 feet to a calculated point at the intersection with the west right-of-way line of State Highway No. 130 at the northeast corner of said Parcel 27-1;

THENCE, with the west right-of-way line of said State Highway No. 130, the following six (6) courses:

- 1) S27°10'40"W a distance of 207.10 feet to a calculated point at the northwest corner of said Parcel 28-2;
- 2) S60°00'52"E a distance of 291.88 feet to a calculated point at the northeast corner of said Parcel 28-2;
- 3) S29°59'08"W a distance of 908.52 feet to a calculated angle point;
- 4) S12°44'41"W a distance of 849.11 feet to a calculated angle point;
- 5) S18°15'23"E a distance of 401.53 feet to a calculated angle point; and
- 6) S01°34'38"E a distance of 4,793.91 feet to the POINT OF BEGINNING, and containing 446 acres of land, more or less.

TRACT 3

BEGINNING at a calculated point on the west right-of-way line of FM Highway No. 973 at the northeast corner of the above-described Parcel 03-4, for the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the west right-of-way line of said FM Highway No. 973, S27°14'18"W a distance of 3,646.01 feet to a calculated point at the southeast corner of said Parcel 03-4;

THENCE, with the south line of said Parcel 03-4, N62°56'53"W a distance of 837.14 feet to a calculated point at the southwest corner of said Parcel 03-4;

THENCE, with the west line of said Parcel 03-4, the following three (3) courses:

- 1) N27°31'25"E a distance of 340.08 feet to a calculated angle point;
- 2) N27°26'49"E a distance of 1,634.23 feet to a calculated angle point; and
- 3) N27°36'28"E a distance of 1,688.35 feet to a calculated point at the northwest corner of said Parcel 03-4;

THENCE, with the north line of said Parcel 03-4, S61°47'25"E a distance of 818.72 feet to the POINT OF BEGINNING, and containing 69 acres of land, more or less.

TRACT 4

BEGINNING at a calculated point on the east right-of-way line of FM Highway No. 973 at the northwest corner of the above-described Parcel 11-1, for the most westerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the north line of said Parcel 11-1, S62°59'56"E a distance of 1,705.04 feet to a calculated point on the west line of the above-described Parcel 22-1 at the northeast corner of said Parcel 11-1;

THENCE, with the west line of said Parcel 22-1, N27°24'34"E a distance of 854.85 feet to a calculated point on the west right-of-way line of State Highway No. 130 at the northwest corner of said Parcel 22-1;

THENCE, with the west right-of-way line of said State Highway No. 130, the following six (6) courses:

1) S62°02'37"E a distance of 70.21 feet to a calculated point at the northeast corner of said Parcel 22-1;

2) S12°37'58"W a distance of 1,453.45 feet to a calculated point of curvature of a curve to the right;

3) Along said curve to the right an arc distance of 557.08 feet, having a radius of 1813.67 feet, and a chord which bears S22°23'39"W a distance of 554.89 feet to a calculated point of tangency;

4) S31°31'30"W a distance of 319.97 feet to a calculated point at the southeast corner of the above-described Parcel 23-1;

5) N87°37'11"W a distance of 71.61 feet to a calculated angle point; and

6) N62°35'47"W a distance of 400.24 feet to a calculated point at the southwest corner of said Parcel 23-1;

THENCE, with the west lines of Parcels 23-1, 28-1 and 22-1, N27°24'44"E a distance of 1,293.45 feet to a calculated point at the southeast corner of said Parcel 11-1;

THENCE, with the south line of said Parcel 11-1, N62°59'56"W a distance of 1,705.16 feet to a calculated point on the east right-of-way line of said FM Highway No. 973 at the southwest corner of said Parcel 11-1;

THENCE, with the east right-of-way line of said FM Highway No. 973, N26°57'04"E a distance of 160.00 feet to the POINT OF BEGINNING, and containing 24 acres of land, more or less.

TRACT 5

BEGINNING at a 1/2" iron rod found on the east right-of-way line of FM Highway No. 973 at the northwest corner of the above-described Parcel 07-1, for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the north line of said Parcel 07-1, S63°23'23"E a distance of 1,720.22 feet to a calculated point at the northeast corner of said Parcel 07-1;

THENCE, with the east line of said Parcel 07-1, a portion of said line also being the west right-of-way line of said State Highway No. 130, S27°27'34"W a distance of 5,047.34 feet to a calculated angle point;

THENCE, continuing with the west right-of-way line of said State Highway No. 130, S27°52'12"W a distance of 588.10 feet to a calculated point at the southeast corner of said Parcel 07-1;

THENCE, with the south line of said Parcel 07-1, N63°23'09"W a distance of 1,723.19 feet to a 1/2" iron rod found with cap marked "Brooks-Baker" on the east right-of-way line of said FM Highway No. 973 at the southwest corner of said Parcel 07-1;

THENCE, with the east right-of-way line of said FM Highway No. 973, the following three (3) courses:

- 1) N27°00'51"E a distance of 790.98 feet to a calculated angle point;
- 2) N27°35'51"E a distance of 4,186.86 feet to a calculated angle point; and
- 3) N27°44'31"E a distance of 657.55 feet to the POINT OF BEGINNING, and containing 223 acres of land, more or less.

The gross area contained within Tracts 1, 2, 3, 4 and 5 totals 2,132 acres of land, more or less.

SECTION 1.03. (a) The legal notice of the intention to introduce this article of this Act, setting forth the general substance of this article of this Act, has been published as provided by law, and the notice and a copy of this article of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and this article of this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article of this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article of this Act have been fulfilled and accomplished.

SECTION 1.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2017.

ARTICLE 2. SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

SECTION 2.01. The legislature finds that:

(1) creation of the Southwestern Travis County Groundwater Conservation District:

(A) is consistent with the state's preferred method of groundwater management;

(B) will protect property rights, balance the development and conservation of groundwater with the needs of this state, and use the best available science in the area of groundwater through rules developed, adopted, and promulgated by the district in accordance with the provisions of Chapter 8871, Special District Local Laws Code, as added by this article; and

(C) will be a benefit to the land in the district and a public benefit and utility;

(2) the district is created to:

(A) protect the interests of private property ownership while balancing the interests of all property owners in the district;

(B) manage groundwater resources; and

(C) protect the groundwater in the district;

(3) although a property owner of land in the district is not entitled to an equal amount of water as another property owner of land in the district, a property owner does have a vested ownership interest in the groundwater beneath the owner's property, and the district shall recognize that ownership interest; and

(4) the Southwestern Travis County Groundwater Conservation District is not created to prohibit or restrict development of private property in the district.

SECTION 2.02. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8871 to read as follows:

CHAPTER 8871. SOUTHWESTERN TRAVIS COUNTY GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8871.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental
Quality.

(3) "Director" means a board member.

(4) "District" means the Southwestern Travis County Groundwater
Conservation District.

Sec. 8871.002. NATURE OF DISTRICT. The district is a groundwater
conservation district in Travis County created under and essential to accomplish
the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8871.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the
works and projects accomplished by the district under the powers conferred by
Section 59, Article XVI, Texas Constitution.

Sec. 8871.004. INITIAL DISTRICT TERRITORY. (a) The district is
initially composed of the territory described by Section 2.03 of the Act enacting
this chapter.

(b) The boundaries and field notes contained in Section 2.03 of the Act
enacting this chapter form a closure. A mistake made in the field notes or in
copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the
district is created or to pay the principal of and interest on a bond; or

(3) legality or operation.

SUBCHAPTER B. TEMPORARY AND INITIAL DIRECTORS

Sec. 8871.021. APPOINTMENT OF TEMPORARY DIRECTORS;
VACANCIES; TERMS. (a) Seven persons who reside in the district shall be
appointed as temporary directors not later than the 90th day after the effective
date of the article of the Act creating this chapter as follows:

(1) the county judge of Travis County shall appoint one temporary director;

(2) the county commissioner for the county commissioners precinct in which the district is principally located shall appoint two temporary directors;

(3) the state representative who represents the house district in which the district is principally located shall appoint two temporary directors; and

(4) the state senator who represents the senate district in which the district is principally located shall appoint two temporary directors.

(b) If a temporary director fails to qualify for office or a vacancy occurs on the temporary board, the remaining temporary directors shall appoint a person to fill the vacancy. If at any time there are fewer than four temporary directors, the state representative under Subsection (a)(3) shall appoint the necessary number of persons to fill all vacancies on the board.

(c) Temporary directors serve until the date initial directors are elected at an election held under Section 8871.024.

Sec. 8871.022. ORGANIZATIONAL MEETING. (a) Not later than the 45th day after the date on which the seventh temporary director is appointed under Section 8871.021, the temporary directors shall hold the organizational meeting of the district.

(b) The temporary directors shall select from among themselves a president, a vice president, and a secretary.

Sec. 8871.023. AUTHORITY OF TEMPORARY DIRECTORS. (a) Except as provided by Subsections (c) and (d) or as otherwise provided by this subchapter, the temporary directors of the district have the same permitting and general management powers as those provided for initial and permanent directors under this chapter and Chapter 36, Water Code.

(b) The temporary directors or their designees have the authority to enter any public or private property located in the district to inspect a water well that is not exempt under Section 8871.103, as provided by Section 36.123, Water Code.

(c) Except as provided by Section 8871.024, the temporary directors do not have the authority granted by the following provisions of Chapter 36, Water Code:

(1) Sections 36.017, 36.019, 36.020, and 36.059;

(2) Sections 36.105, 36.1071, 36.1072, 36.1073, and 36.108;

(3) Sections 36.171-36.181;

(4) Sections 36.201-36.204; and

(5) Subchapters J and K.

(d) The temporary directors may regulate the transfer of groundwater out of the district as provided by Section 36.122, Water Code, but may not prohibit the transfer of groundwater out of the district.

Sec. 8871.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall order an election in the district, to be held not later than the uniform election date in May 2018, to confirm the creation of the district and to elect the initial directors.

(b) At the election held under this section, the temporary board shall have placed on the ballot the names of the candidates who are eligible under Section 8871.051 for each of the seven positions on the board.

(c) Section 41.001(a), Election Code, applies to an election held under this section.

(d) Except as provided by this section, an election held under this section must be conducted as provided by the Election Code and Sections 36.017, 36.018, and 36.019, Water Code. The following provisions of the Water Code do not apply to an election under this section:

(1) Section 36.017(a);

(2) the provision of Section 36.017(d) governing ballot provisions for the election of permanent directors; and

(3) Section 36.059(b).

(e) If the district's creation is not confirmed at an election held under Subsection (a), the candidate who receives a majority of the votes cast at that election for each of the seven positions on the board becomes a temporary director of the district. The temporary directors elected under this subsection shall order a subsequent election to be held to confirm the creation of the district and to elect the initial directors not earlier than the uniform election date in May 2020.

(f) Temporary directors elected under Subsection (e) serve until:

(1) the date initial directors are elected at the subsequent election ordered under Subsection (e) if the creation of the district is confirmed; or

(2) the fourth anniversary of the date of the election held under Subsection (a) if the creation of the district is not confirmed.

(g) The vacancy provision of Section 8871.021, and Section 8871.023, apply to the temporary directors elected under Subsection (e).

Sec. 8871.025. INITIAL DIRECTORS. (a) Promptly after an election has been held under Section 8871.024 and the votes have been canvassed, if the creation of the district is confirmed, the temporary directors shall:

(1) declare for each board position the person who receives the most votes for that position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the commission.

(b) The initial directors shall draw lots to determine which three initial directors serve two-year terms and which four initial directors serve four-year terms.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8871.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven directors.

(b) Directors elected after the election held under Section 8871.024 serve four-year terms.

(c) The directors are elected as follows:

(1) one director must reside in the corporate limits of the City of Bee Cave and be elected by voters residing in the City of Bee Cave;

(2) one director must reside in the corporate limits of the City of Lakeway or Village of the Hills and be elected by voters residing in the City of Lakeway and Village of the Hills;

(3) one director must reside in the corporate limits of the City of West Lake Hills and be elected by voters residing in the City of West Lake Hills; and

(4) four directors must:

(A) reside inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills;

(B) be elected by voters residing inside the district and outside the corporate limits of the City of Bee Cave, City of Lakeway, Village of the Hills, and City of West Lake Hills; and

(C) each use groundwater as a source of water supply for one or more beneficial uses at their respective residences.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8871.102. AQUIFER STORAGE AND RECOVERY PROJECTS. The district may implement and develop aquifer storage and recovery projects in accordance with:

(1) Chapters 27 and 36, Water Code; and

(2) commission rules and guidance.

Sec. 8871.103. EXEMPT WELLS. (a) Groundwater withdrawals from the following wells may not be regulated, permitted, or metered by the district:

(1) a well used for domestic use by a single private residential household and incapable of producing more than 10,000 gallons per day; and

(2) a well used solely for domestic use or for providing water for livestock or poultry if the well is:

(A) located or to be located on a tract of land larger than 10 acres;
and

(B) drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

(b) The district may not charge or collect a well construction fee for a well described by Subsection (a)(2).

(c) A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.

Sec. 8871.104. PERMIT REQUIRED. A well owner must obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well for purposes other than those exempted by Section 8871.103.

Sec. 8871.105. ACCESS TO PROPERTY. (a) Subject to Subsection (b), an employee or agent of the district is entitled to enter public or private property in the district at any reasonable time to:

- (1) inspect an exempt well;
- (2) inspect and investigate conditions relating to the quality of water in the state; and
- (3) monitor compliance with any rule, regulation, permit, or other order of the district.

(b) An employee or agent of the district must obtain the permission of the property owner before entering public or private property.

(c) If any employee or agent of the district is refused the right to enter public or private property in the district under this section, the district may seek a court order from a district court authorizing the district to enter the land.

(d) An employee or agent who enters private property under this section shall:

- (1) observe the property's rules and regulations, if any, concerning safety, internal security, and fire protection;
- (2) notify management or a person in charge of the presence of the employee or agent; and
- (3) exhibit proper credentials.

Sec. 8871.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER E. FINANCIAL PROVISIONS

Sec. 8871.151. WELL CONSTRUCTION FEE. The district may charge and collect a new well construction fee not to exceed \$1,000 for a new well.

Sec. 8871.152. PERMIT RENEWAL APPLICATION FEE. The district may charge and collect a permit renewal application fee not to exceed \$400.

Sec. 8871.153. SERVICE CONNECTION FEE. (a) This section does not apply to a water utility that has surface water as its sole source of water.

(b) The district may levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2017.

Sec. 8871.154. PRODUCTION FEE. The district may impose reasonable production fees on each well that is not exempt from permitting under Section 8871.103 based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this section in an amount greater than 20 cents per thousand gallons.

Sec. 8871.155. ADMINISTRATIVE MANAGEMENT FEE. The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on a well that is exempt from permitting in an amount not greater than \$40 per well, per year.

Sec. 8871.156. CERTAIN FEES PROHIBITED. The district may not charge a fee under Section 36.205(b), (c), or (f), Water Code.

Sec. 8871.157. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

SECTION 2.03. The Southwestern Travis County Groundwater Conservation District initially includes all the territory contained in the following area:

THE TERRITORY OF THE SOUTHWEST TRAVIS COUNTY PORTION OF THE HILL COUNTRY PRIORITY GROUNDWATER MANAGEMENT AREA - AS DESCRIBED BY 2010 TCEQ REPORT; "The southwestern Travis territory is located in the southwestern quarter of Travis County. The southwestern Travis territory is bound to the west by Blanco and Burnet counties, southwest by Hays County, and southeast by the northwestern boundary of the Barton Springs/Edwards Aquifer Conservation District (BS/EACD). The northern boundary of the southwestern Travis territory is the Colorado River (Lake Travis, Lake Austin, and Lady Bird Lake)."

SECTION 2.04. (a) The legal notice of the intention to introduce this article of this Act, setting forth the general substance of this article of this Act, has been published as provided by law, and the notice and a copy of this article of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and this article of this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this article of this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this article of this Act are fulfilled and accomplished.

SECTION 2.05. This article takes effect September 1, 2017.

(Speaker in the chair)

Representative E. Rodriguez moved to adopt the conference committee report on **HB 4345**.

The motion to adopt the conference committee report on **HB 4345** prevailed by (Record 2025): 133 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds;

Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Stucky; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Biedermann; Bonnen, D.; Bonnen, G.; Burrows; Cain; Goldman; Lang; Rinaldi; Schaefer; Shaheen; Springer; Stickland; Swanson.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Paddie; Stephenson.

STATEMENTS OF VOTE

When Record No. 2025 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 2025 was taken, I was in the house but away from my desk. I would have voted yes.

Stephenson

SB 894 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Muñoz submitted the conference committee report on **SB 894**.

Representative Muñoz moved to adopt the conference committee report on **SB 894**.

The motion to adopt the conference committee report on **SB 894** prevailed by (Record 2026): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dukes; Gervin-Hawkins; Miller; Paddie; Parker; Rodriguez, E.; Walle.

STATEMENT OF VOTE

When Record No. 2026 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

HB 1643 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Springer submitted the following conference committee report on **HB 1643**:

Austin, Texas, May 25, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1643** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Seliger	Springer
Hughes	Nevárez
Rodriguez	Simmons
Hancock	Kacal
Perry	Canales
On the part of the senate	On the part of the house

HB 1643, A bill to be entitled to An Act relating to the regulation of the operation of an unmanned aircraft and the prosecution of a related criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 423.0045(a)(1), Government Code, is amended to read as follows:

(1) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

- (i) a petroleum or alumina refinery;
- (ii) an electrical power generating facility, substation, switching station, or electrical control center;
- (iii) a chemical, polymer, or rubber manufacturing facility;
- (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (v) a natural gas compressor station;
- (vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;

(viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;

(ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x) a transmission facility used by a federally licensed radio or television station;

(xi) a steelmaking facility that uses an electric arc furnace to make steel; ~~or~~

(xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or

(B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

(i) any portion of an aboveground oil, gas, or chemical pipeline;

(ii) an oil or gas drilling site;

(iii) a group of tanks used to store crude oil, such as a tank battery;

(iv) an oil, gas, or chemical production facility;

(v) an oil or gas wellhead; or

(vi) any oil and gas facility that has an active flare ~~that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders~~.

SECTION 2. Section 423.0045(c), Government Code, is amended to read as follows:

(c) This section does not apply to conduct described by Subsection (b) that is committed by:

(1) the federal government, the state, or a governmental entity;

(2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;

(3) a law enforcement agency;

(4) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;

(5) an owner or operator of the critical infrastructure facility;

(6) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

(7) a person who has the prior written consent of the owner or operator of the critical infrastructure facility;

(8) the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property; or

(9) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(A) each applicable Federal Aviation Administration rule, restriction, or exemption; and

(B) all required Federal Aviation Administration authorizations [operator is authorized by the Federal Aviation Administration to conduct operations over that airspace].

SECTION 3. Chapter 423, Government Code, is amended by adding Section 423.009 to read as follows:

Sec. 423.009. REGULATION OF UNMANNED AIRCRAFT BY POLITICAL SUBDIVISION. (a) In this section:

(1) "Political subdivision" includes a county, a joint board created under Section 22.074, Transportation Code, and a municipality.

(2) "Special event" means a festival, celebration, or other gathering that:

(A) involves:

(i) the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and

(ii) entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and

(B) requires a significant use or coordination of a political subdivision's services.

(b) Except as provided by Subsection (c), a political subdivision may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft.

(c) A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

(1) the use of an unmanned aircraft during a special event;

(2) the political subdivision's use of an unmanned aircraft; or

(3) the use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:

(A) applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and

(B) after providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

(d) An ordinance, order, or other similar measure that violates Subsection (b) is void and unenforceable.

SECTION 4. Section 423.0045, Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2017.

Representative Springer moved to adopt the conference committee report on **HB 1643**.

The motion to adopt the conference committee report on **HB 1643** prevailed by (Record 2027): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Parker; Paul; Perez; Phelan; Phillips; Pickett; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Ortega; Uresti.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Paddie; Price; Walle.

HR 2618 - ADOPTED (by Stucky)

The following privileged resolution was laid before the house:

HR 2618

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2445** (the use of municipal hotel occupancy tax revenue in certain municipalities) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill, by adding the following text to amended Section 351.102, Tax Code:

(c-1) A municipality to which this subsection applies is entitled to receive all funds from a hotel and convention center project that the owner of a project could receive under Section 151.429(h) of this code or Section 2303.5055, Government Code, if a project for purposes of those provisions included a hotel and convention center project. The municipality may pledge the funds for

payment of obligations issued under this section for the hotel and convention center project. For purposes of this subsection, "hotel and convention center project" means a project that is an existing hotel owned by the municipality or another person and a convention center facility to be acquired, constructed, equipped, or leased, that will be located within 1,000 feet of the hotel, and that will be owned by or located on land owned by the municipality. This subsection applies only to a municipality that:

(1) is the county seat of a county that:

(A) borders the United Mexican States;

(B) has a population of less than 300,000; and

(C) contains one or more municipalities with a population of 200,000 or more; and

(2) holds an annual jalapeño festival.

Explanation: The change is necessary to permit a municipality to which Section 351.102(c-1), Tax Code, as added by the bill, applies to receive and pledge the described funds for the specified purposes.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill, by adding the following text to added Section 351.102(e), Tax Code:

(e) In addition to the municipalities described by Subsection (b), that subsection also applies to:

(9) a municipality with a population of less than 2,000 that:

(A) is located adjacent to a bay connected to the Gulf of Mexico;

(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and

(C) has a boardwalk on the bay;

(10) a municipality with a population of 75,000 or more that:

(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and

(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(11) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of at least four million; and

(12) an eligible coastal municipality with a population of more than 3,000 but less than 5,000.

Explanation: This change is necessary to add municipalities to the list of municipalities to which Section 351.102(b), Tax Code, applies.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill, by adding the following text to amended Section 351.102, Tax Code:

(g) A municipality to which this section applies may not receive or pledge revenue or funds under Subsection (b) or (c) for a hotel project unless the municipality enters into an agreement with a person for the development of the hotel project before September 1, 2019.

Explanation: This change is necessary to restrict the application of Sections 351.102(b) and (c), Tax Code, to eligible municipalities that enter into the specified agreements before September 1, 2019.

HR 2618 was adopted by (Record 2028): 124 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Murphy; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Cain; Cyrier; Fallon; Hefner; Krause; Landgraf; Lang; Leach; Murr; Phillips; Rinaldi; Schaefer; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Canales; Capriglione; Deshotel; Dukes; Muñoz; Walle.

STATEMENTS OF VOTE

When Record No. 2028 was taken, I was shown voting yes. I intended to vote no.

D. Bonnen

When Record No. 2028 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

HB 2445 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Stucky submitted the following conference committee report on **HB 2445**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick

President of the Senate

The Honorable Joe Straus

Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2445** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Estes

Buckingham

Zaffirini

Nelson

L. Taylor

On the part of the senate

Stucky

D. Bonnen

Springer

Darby

Raymond

On the part of the house

HB 2445, A bill to be entitled An Act relating to the imposition of hotel occupancy taxes by and the collection and use of certain tax revenue in certain municipalities and counties, including the authority of certain municipalities to pledge certain tax revenue for the payment of obligations related to hotel and hotel and convention center projects; authorizing the imposition of a tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 334.001, Local Government Code, is amended by amending Subdivisions (1) and (4) and adding Subdivision (1-a) to read as follows:

(1) "Active transportation" means transportation that is wholly or primarily powered by human energy. The term includes walking, running, and bicycling.

(1-a) "Approved venue project" means a sports and community venue project that has been approved under this chapter by the voters of a municipality or county.

(4) "Venue" means:

(A) an arena, coliseum, stadium, or other type of area or facility:

(i) that is used or is planned for use for one or more professional or amateur sports events, community events, or other sports events, including rodeos, livestock shows, agricultural expositions, promotional events, and other civic or charitable events; and

(ii) for which a fee for admission to the events is charged or is planned to be charged;

(B) a convention center, convention center facility as defined by Section 351.001(2) or 352.001(2), Tax Code, or related improvement such as a civic center hotel, theater, opera house, music hall, rehearsal hall, park, zoological park, museum, aquarium, or plaza located in the vicinity of a convention center or facility owned by a municipality or a county;

(C) a tourist development area [~~along an inland waterway~~];

(D) a municipal parks and recreation system, or improvements or additions to a parks and recreation system, or an area or facility, including an area or facility for active transportation use, that is part of a municipal parks and recreation system;

(E) a project authorized by Section 4A or 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as that Act existed on September 1, 1997; ~~and~~

(F) a watershed protection and preservation project; a recharge, recharge area, or recharge feature protection project; a conservation easement; or an open-space preservation program intended to protect water; and

(G) an airport facility located in a municipality located on the international border.

SECTION 2. Section 334.1015, Local Government Code, is amended to read as follows:

Sec. 334.1015. APPLICATION. (a) Except as provided by Subsection (b), this ~~This~~ subchapter does not apply to the financing of a venue project that is an area or facility that is part of a municipal parks and recreation system.

(b) A municipality located on the international border may finance a venue project described by Section 334.001(4)(D) with the revenue from a tax imposed under this subchapter.

SECTION 3. Section 334.2515, Local Government Code, is amended to read as follows:

Sec. 334.2515. APPLICATION. Except as provided by Section 334.2516, this subchapter does not apply to the financing of a venue project that is:

(1) an area described by Section 334.001(4)(C);

(2) an area or facility that is part of a municipal parks and recreation system as described by Section 334.001(4)(D); ~~or~~

(3) ~~(2)~~ a project described by Section 334.001(4)(E), except for a project ~~projects~~ described by ~~in~~ Section 334.001(4)(A); or

(4) a facility described by Section 334.001(4)(G).

SECTION 4. Section 351.005, Tax Code, is amended to read as follows:

Sec. 351.005. REIMBURSEMENT FOR EXPENSES OF TAX COLLECTION AND USE OF ELECTRONIC TAX ADMINISTRATION SYSTEM. (a) A municipality may permit a person who is required to collect and pay over to the municipality the tax authorized by this chapter to withhold not more than one percent of the amount of the tax collected and required to be reported as reimbursement to the person for the cost of ~~costs in~~ collecting the tax ~~and, if applicable, the use of an electronic tax administration system described by Section 351.1012~~.

(b) If a municipality uses revenue derived from the tax authorized by this chapter to create, maintain, operate, or administer an electronic tax administration system as authorized by Section 351.1012, the municipality shall permit a person who is required to collect and pay over to the municipality the tax authorized by this chapter to withhold not more than one percent of the amount of the tax collected and required to be reported as reimbursement to the person for the cost of collecting the tax.

(c) The municipality may provide that the reimbursement provided or required by this section be forfeited because of a failure to pay the tax or to file a report as required by the municipality.

SECTION 5. Section 351.101(a), Tax Code, as amended by Chapters 666 (**HB 3772**) and 979 (**HB 3615**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity;

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, flag football, and rodeos, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 75,000 but not more than 95,000 and is located in a county that has a population of less than 200,000 but more than 160,000;

(iii) has a population of at least 36,000 but not more than 39,000 and is located in a county that has a population of 100,000 or less that is not adjacent to a county with a population of more than two million;

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v) has a population of at least 70,000 but less than 90,000 and no part of which is located in a county with a population greater than 150,000;

(vi) is located in a county that:

(a) is adjacent to the Texas-Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than 500,000;

(vii) has a population of at least 25,000 but not more than 26,000 and is located in a county that has a population of 90,000 or less;

(viii) ~~[(*)]~~ is located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located; ~~[(*)]~~

~~[(*)]~~ has a population of at least 40,000 and the San Marcos River flows through the municipality; or

(x) contains an intersection of Interstates 35E and 35W and at least two public universities; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments;

(8) for a municipality with a population of at least 70,000 but less than 90,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

(9) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality;

(10) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:

(A) has a population of at least 90,000 but less than 120,000; and

(B) is located in two counties, at least one of which contains the headwaters of the San Gabriel River; and

(11) for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

SECTION 6. Section 351.101, Tax Code, is amended by amending Subsection (g) and adding Subsections (g-1), (n), and (o) to read as follows:

(g) This ~~[Nothing in this]~~ section does not ~~[shall]~~ prohibit a ~~[any private entity,]~~ person that receives a grant from a municipality to conduct an activity authorized by Subsection (a)(4)~~[, or organization]~~ from making a grant

[subgrants] by contract to another [any other] person to conduct an activity authorized by that subdivision, [entity, or private organization for expenditures under Section 351.101(a)(4)]. A person that receives a grant from a grantee of the municipality under this subsection [subgrantee] shall:

(1) at least annually submit a report of the person's expenditures of funds received from the grantee [make periodic reports] to the governing body of the municipality [of its expenditures from the tax authorized by this chapter]; and

(2) make records of those [these] expenditures available for review to the governing body of the municipality and any [or] other person.

(g-1) A municipality may not require a person that receives funds directly from the municipality through a grant to conduct an activity authorized by Subsection (a)(4) to waive a right guaranteed by law to the person or to enter into an agreement with another person.

(n) In addition to other authorized uses, a municipality that has a population of not more than 1,500 and is located in a county that borders Arkansas and Louisiana may use revenue from the municipal hotel occupancy tax for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field as specified by Subsection (a)(7), provided that the requirements of Subsections (a)(7)(A) and (C) and Section 351.1076 are met.

(o) In addition to the purposes provided by Subsection (a), a municipality that has a population of not more than 10,000, that contains an outdoor gear and sporting goods retailer with retail space larger than 175,000 square feet, and that hosts an annual wiener dog race may use revenue from the municipal hotel occupancy tax to promote tourism and the convention and hotel industry by constructing, operating, or expanding a sporting related facility or sports field owned by the municipality, if the majority of the events at the facility or field are directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels in the municipality. If a municipality to which this subsection applies uses revenue derived from the municipal hotel occupancy tax for a purpose described by this subsection, the municipality may not reduce the percentage of revenue from that tax allocated for a purpose described by Subsection (a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue for a purpose described by this subsection.

SECTION 7. Section 351.1012(a), Tax Code, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, a municipality may spend each year not more than the lesser of one percent or \$75,000 of the revenue derived from the tax authorized by this chapter during that year for the creation, maintenance, operation, and administration of an electronic tax administration system. A municipality may not use revenue the municipality is authorized to spend under this subsection to conduct an audit.

SECTION 8. Section 351.102, Tax Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1), (e), (f), and (g) to read as follows:

(b) An eligible central municipality, a municipality with a population of 173,000 or more that is located within two or more counties, a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine or contains the headwaters of the San Gabriel River, or a municipality with a population of at least 99,900 but not more than 111,000 that is located in a county with a population of at least 135,000 may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including convention center entertainment-related facilities, meeting spaces, restaurants, shops, street and water and sewer infrastructure necessary for the operation of the hotel or ancillary facilities, and parking facilities within 1,000 feet of the hotel or convention center facility. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality described by this subsection or Subsection (e) may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(c) Except as provided by this subsection, a ~~[A]~~ municipality to which Subsection (b) or (e) applies is entitled to receive all funds from a project described by Subsection (b) ~~[this section]~~ that an owner of a project may receive under Section 151.429(h) of this code, or Section 2303.5055, Government Code, and may pledge the funds for the payment of obligations issued under this section. A municipality described by Subsection (e) is not entitled to receive funds from a project under this subsection unless the municipality has pledged the revenue derived from the tax imposed under this chapter from the project for the payment of bonds or other obligations issued or incurred for the project.

(c-1) A municipality to which this subsection applies is entitled to receive all funds from a hotel and convention center project that the owner of a project could receive under Section 151.429(h) of this code or Section 2303.5055, Government Code, if a project for purposes of those provisions included a hotel and convention center project. The municipality may pledge the funds for payment of obligations issued under this section for the hotel and convention center project. For purposes of this subsection, "hotel and convention center project" means a project that is an existing hotel owned by the municipality or another person and a convention center facility to be acquired, constructed, equipped, or leased, that will be located within 1,000 feet of the hotel, and that will be owned by or located on land owned by the municipality. This subsection applies only to a municipality that:

(1) is the county seat of a county that:

(A) borders the United Mexican States;

(B) has a population of less than 300,000; and

(C) contains one or more municipalities with a population of

200,000 or more; and

(2) holds an annual jalapeño festival.

(d) Except as provided by this subsection, an eligible central municipality or another municipality described by Subsection (b) or (e) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for a hotel project described by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue or funds for the hotel project. This subsection does not apply to an eligible central municipality described by Section 351.001(7)(D).

(e) In addition to the municipalities described by Subsection (b), that subsection also applies to:

(1) a municipality with a population of at least 110,000 but not more than 135,000 at least part of which is located in a county with a population of not more than 135,000;

(2) a municipality with a population of at least 9,000 but not more than 10,000 that is located in two counties, each of which has a population of at least 662,000 and a southern border with a county with a population of 2.3 million or more;

(3) a municipality with a population of at least 200,000 but not more than 300,000 that contains a component institution of the Texas Tech University System;

(4) a municipality with a population of at least 95,000 that borders Lake Lewisville;

(5) a municipality that:

(A) contains a portion of Cedar Hill State Park;

(B) has a population of more than 45,000;

(C) is located in two counties, one of which has a population of more than two million and one of which has a population of more than 149,000; and

(D) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(6) a municipality with a population of less than 6,000 that:

(A) is located in two counties each with a population of 600,000 or more that are both adjacent to a county with a population of two million or more;

(B) has full-time police and fire departments; and

(C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(7) a municipality with a population of at least 56,000 that:

(A) borders Lake Ray Hubbard; and

(B) is located in two counties, one of which has a population of less than 80,000;

(8) a municipality with a population of more than 83,000, that borders Clear Lake, and that is primarily located in a county with a population of less than 300,000;

- (9) a municipality with a population of less than 2,000 that:
(A) is located adjacent to a bay connected to the Gulf of Mexico;
(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and
(C) has a boardwalk on the bay;
(10) a municipality with a population of 75,000 or more that:
(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and
(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;
(11) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of at least four million; and
(12) an eligible coastal municipality with a population of more than 3,000 but less than 5,000.

(f) A municipality described by Subsection (e)(3) that uses revenue derived from the tax imposed under this chapter or funds received under Subsection (c) for repayment of bonds or other obligations issued or incurred for a hotel project described by Subsection (b) may not, in a fiscal year that begins after construction of the hotel project is complete and during any part of which the bonds or other obligations are outstanding, reduce the amount of revenue derived from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(6) to an amount that is less than the sum of:

(1) the amount of the revenue derived from the tax imposed under this chapter and allocated by the municipality for a purpose described by Section 351.101(a)(6) during the fiscal year beginning October 1, 2016; and

(2) three percent of the amount of revenue derived from the tax imposed under this chapter during the fiscal year for which the amount required by this subsection is being determined.

(g) A municipality to which this section applies may not receive or pledge revenue or funds under Subsection (b) or (c) for a hotel project unless the municipality enters into an agreement with a person for the development of the hotel project before September 1, 2019.

SECTION 9. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.10711 to read as follows:

Sec. 351.10711. ALLOCATION OF REVENUE FOR MAINTENANCE, ENHANCEMENT, AND UPGRADE OF SPORTS FACILITIES AND FIELDS BY CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that is the county seat of a county that has a population of more than 10,000 and contains a portion of Mound Lake.

(b) In addition to other authorized uses, a municipality to which this section applies may use revenue derived from the tax imposed under this chapter to promote tourism by maintaining, enhancing, or upgrading sports facilities or fields, provided that:

(1) the requirements of Section 351.1076 are met if the municipality uses the revenue to enhance or upgrade a sports facility or field;

(2) the municipality owns the sports facilities or fields; and
(3) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments.

(c) A municipality that uses revenue derived from the tax imposed under this chapter as authorized by Subsection (b) may not reduce the percentage of revenue from the tax imposed under this chapter and allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of that revenue allocated by the municipality for that purpose during the 36-month period preceding the date the municipality begins using the revenue as authorized by Subsection (b).

SECTION 10. Section 351.1076(a), Tax Code, is amended to read as follows:

(a) A municipality that spends municipal hotel occupancy tax revenue for the enhancement and upgrading of existing sports facilities or fields as authorized by Section 351.101(a)(7) or (n) or Section 351.10711:

(1) shall determine the amount of municipal hotel occupancy tax revenue generated for the municipality by hotel activity attributable to the sports events and tournaments held on the enhanced or upgraded facilities or fields for five years after the date the enhancements and upgrades are completed; and

(2) may not spend hotel occupancy tax revenue for the enhancement and upgrading of the facilities or fields in a total amount that exceeds the amount of area hotel revenue attributable to the enhancements and upgrades.

SECTION 11. Section 351.1078, Tax Code, is amended to read as follows:

Sec. 351.1078. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES. (a) A municipality that spends municipal hotel occupancy tax revenue as authorized by Section 351.101(i) or (o):

(1) may not use municipal hotel occupancy tax revenue for the acquisition of land for the sporting related facility or sports field described by that subsection;

(2) shall annually determine and prepare and publish on the municipality's Internet website a report on the events held at the facility or field, the number of hotel room nights attributable to events held at the facility or field, and the amount of hotel revenue and municipal tax revenue attributable to the sports events and tournaments held at the facility or field for five years after the date the construction expenditures are completed; and

(3) may only spend hotel occupancy tax revenue for operational expenses of the facility or field if the costs are directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels in or near the municipality.

(b) The municipality shall reimburse to the municipality's hotel occupancy tax revenue fund from the municipality's general fund any expenditure in excess of the amount of area hotel revenue attributable to sporting events held at the sporting related facility or sports field described by Section 351.101(i) or (o) for five years after the date the construction or expansion of the facility or field described by that subsection is completed.

SECTION 12. Section 352.002, Tax Code, is amended by adding Subsection (x) to read as follows:

(x) The commissioners court of a county that has a population of less than 100,000 and that borders Lake Ray Roberts may impose a tax as provided by Subsection (a).

SECTION 13. Section 352.003, Tax Code, is amended by adding Subsection (u) to read as follows:

(u) The tax rate in a county authorized to impose the tax under Section 352.002(x) may not exceed two percent of the price paid for a room in a hotel.

SECTION 14. Section 352.103, Tax Code, is amended to read as follows:

Sec. 352.103. USE OF REVENUE: COUNTIES WITH NO MUNICIPALITY. (a) Except as provided by Subsection (b), the [The] revenue from a tax imposed under this chapter by a county that has no municipality may be used only for:

- (1) the purposes provided by Sections 351.101(a)(1), (2), and (4);
- (2) advertising for general promotional and tourist advertising of the county and conducting a solicitation program to attract conventions and visitors either by the county or through contracts with persons or organizations selected by the commissioners court; and
- (3) historical preservation and restoration.

(b) Notwithstanding any other provision of this chapter, a county described by Subsection (a) that owns an airport may use revenue from a tax imposed under this chapter for repairs and improvements to the county airport or reimbursement for repairs and improvements to the airport.

(c) A county to which Subsection (b) applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (b) in a total amount that would exceed the amount of hotel revenue in the county that is likely to be reasonably attributable to guests traveling through the airport during the 15-year period beginning on the date the county first uses the tax revenue for that purpose.

(d) A county to which Subsection (b) applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (b) after the 10th anniversary of the date the county first uses that revenue for that purpose.

SECTION 15. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.113 to read as follows:

Sec. 352.113. USE OF REVENUE: CERTAIN COUNTIES BORDERING LAKE RAY ROBERTS. In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(x) may be used for any purpose described by Section 352.101(a).

SECTION 16. To the extent of any conflict, this Act controls over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 17. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Representative Stucky moved to adopt the conference committee report on **HB 2445**.

The motion to adopt the conference committee report on **HB 2445** prevailed by (Record 2029): 128 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schofield; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Anderson, R.; Biedermann; Bonnen, D.; Cain; Cyrier; Hefner; Landgraf; Lang; Murphy; Murr; Phillips; Rinaldi; Schaefer; Schubert; Shaheen; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Walle.

STATEMENTS OF VOTE

When Record No. 2029 was taken, I was shown voting no. I intended to vote yes.

Biedermann

When Record No. 2029 was taken, I was shown voting yes. I intended to vote no.

Keough

SB 578 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Gutierrez submitted the conference committee report on **SB 578**.

Representative Gutierrez moved to adopt the conference committee report on **SB 578**.

The motion to adopt the conference committee report on **SB 578** prevailed by (Record 2030): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Blanco; Dukes.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List Nos. 35 and 36).

SB 1148 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Price, Representative Zedler was authorized as a house sponsor to **SB 1148**.

SB 11 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the conference committee report on **SB 11**.

SB 11 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: So Mr. Frank, as we were talking a little while ago, part of what we've tried to do in this legislation is look at new ways to make the CPS and the foster care system better. And as we have already started with contracting out the placement of children, what we're also looking at now is contracting out the case management? Is that right?

REPRESENTATIVE FRANK: That's right.

RAYMOND: And you recognize that this is a very sensitive part of the process, is that correct?

FRANK: Absolutely.

RAYMOND: And so even though there were some that wanted for this to go all over the state immediately, that's not what this bill does, correct?

FRANK: Correct. I think that really there's a lot of protections in place to make sure that it goes very deliberately. We do want it to go, but we want it to go very deliberately.

RAYMOND: And part of what Governor Abbott said when you and I met with him, as I recall, was that we needed to look at new things to do to make sure that we did it cautiously, because if we try it somewhere and it doesn't work, then we don't want to keep doing something if it doesn't work right. Is that correct?

FRANK: Absolutely.

RAYMOND: And I agree with the governor on that. So what we have done during this session is that through the appropriations process we have money in the budget to look at up to three areas where we would possibly try case management contracting. Is that right?

FRANK: That's right.

RAYMOND: And we've put safeguards or we've put provisions in the bill so that the agency looks at this very carefully, makes sure that—because we had some bad experiences in the past with some for-profit contractors that were not able to do the job well in terms of placement services. You recall that, right?

FRANK: That's right.

RAYMOND: So what we've done here is the bill, for example, says it has to be a nonprofit or it could be a county governmental entity, correct?

FRANK: That's right, nonprofit or government entity.

RAYMOND: So it's limited to nonprofit and governmental entities, right?

FRANK: Yes, sir.

RAYMOND: And so as we move forward, you know, my concern, and a lot of us were concerned—we are looking between now and next session at not more than three areas in the state. Is that correct?

FRANK: That's correct.

RAYMOND: And again, and you and I have talked about this, that if it works, that's going to be great. But if it doesn't work well, that we in the legislature two years from now need to look at it and say, okay, it hasn't worked that well. We have to acknowledge that.

FRANK: Absolutely, and I hope what we do is we see that it works very well, but I also hope the rest of the legacy system improves at the same time. There's no reason for that not to get better as well with what's happened.

RAYMOND: Correct. Well, I appreciate that. Again, it is a very sensitive process, and there were a lot of concerns raised by a lot of people. We have a federal lawsuit hanging over our head. We want to make sure that anything that we try, that we do it judiciously, that we do it cautiously, but that we, in the end, improve the system. Is that correct?

FRANK: Yes, sir.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Frank and Representative Raymond.

The motion prevailed.

Representative Frank moved to adopt the conference committee report on **SB 11**.

The motion to adopt the conference committee report on **SB 11** prevailed by (Record 2031): 107 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Lucio; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Arévalo; Bernal; Blanco; Canales; Collier; Cortez; Cospere; Davis, Y.; Deshotel; Farrar; Gervin-Hawkins; Giddings; González; Gutierrez; Hinojosa; Howard; Israel; Johnson, E.; King, T.; Longoria; Martinez; Minjarez; Moody; Neave; Nevárez; Oliveira; Ortega; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Dukes.

STATEMENTS OF VOTE

When Record No. 2031 was taken, I was shown voting yes. I intended to vote no.

Alvarado

When Record No. 2031 was taken, I was shown voting no. I intended to vote yes.

Cosper

When Record No. 2031 was taken, I was shown voting no. I intended to vote yes.

Uresti

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 28).

SCR 11 - ADOPTED (Geren - House Sponsor)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **SCR 11**.

The motion prevailed.

The following resolution was laid before the house:

SCR 11, Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

SCR 11 was adopted by (Record 2032): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Oliveira.

SCR 56 - ADOPTED
(Lucio - House Sponsor)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **SCR 56**.

The motion prevailed.

The following resolution was laid before the house:

SCR 56, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to examine all state open-government laws.

SCR 56 was adopted by (Record 2033): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dukes.

HB 3292 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Representative Klick, could you tell us briefly what has changed since this bill left the house?

REPRESENTATIVE KLICK: The conference committee report reads that if an appropriation was not made for the specific purpose of the bill or the agency cannot find funds to implement provisions of the bill within existing resources, the bill would not be implemented.

RAYMOND: In looking at the **HB 3292**, it is very narrow. The only persons subject to these provisions would be persons with a disability and an IQ of 75. Is that right?

KLICK: That's correct.

RAYMOND: And looking at the plain language of the bill, the person with a disability could only be ineligible for one month. If they are ineligible for longer than one month, these provisions would not apply.

KLICK: That's correct.

RAYMOND: And the plain language says a person with a disability would have 90 days to apply for eligibility during that one and only month in which, for some reason beyond their control, they were eligible.

KLICK: Correct. The 90 days is a deadline to apply for that one month.

RAYMOND: Could you read it that a person with a disability could receive continuous eligibility for longer than one month? Could they apply within the 90 days and be eligible for longer than one month or maybe forever?

KLICK: Of course not.

RAYMOND: So this does not apply into perpetuity, correct?

KLICK: No, it does not.

RAYMOND: Could HHSC require an application to be submitted earlier than the 90-day deadline?

KLICK: Yes, HHSC could require an application to be submitted earlier than the 90-day deadline if it was needed to secure a federal match.

RAYMOND: Representative Klick, we know that providers of long-term services and supports bear the burden of providing services without compensation when a person with a disability temporarily loses their Medicaid eligibility. Can we quantify the amount of un-reimbursed services in both numbers of persons and the actual un-reimbursed cost to providers?

KLICK: The fact is we don't know exactly what these amounts may be. If we want these providers to be made whole and treated fairly, we are constrained in the appropriations process to determine how much we may need appropriated to provide reimbursement for services actually provided.

RAYMOND: Would the agency need to determine these costs prior to the next legislative session to allow us to make an informed decision next session?

KLICK: Yes, and I believe the agency could work on this, and I would expect that they provide us the answers prior to next session.

RAYMOND: I would expect that the agency provide us with that information as well.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Klick and Representative Raymond on **HB 3292**.

The motion prevailed.

NOTICE GIVEN

At 7:17 p.m., pursuant to the provisions of Rule 14, Section 4 of the House Rules, Representative D. Bonnen gave notice that he would, in one hour, move to suspend all necessary rules to consider the conference committee reports on **HB 22, SB 715, SB 1450, SB 1731, and SB 1839.**

HR 1854 - ADOPTED
(by Wu)

Representative Wu moved to suspend all necessary rules to take up and consider at this time **HR 1854.**

The motion prevailed.

The following resolution was laid before the house:

HR 1854, Commemorating the 135th anniversary of the Chinese Exclusion Act.

HR 1854 was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

(Paddie in the chair)

HCR 157 - ADOPTED
(by K. King)

The following privileged resolution was laid before the house:

HCR 157

WHEREAS, **HB 2442** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction to the enrolled version of **HB 2442**:

In SECTION 8 of the bill, in added Section 42.005(k), Education Code, strike "September 1, 2015" and substitute "January 1, 2015".

HCR 157 was adopted by (Record 2034): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty;

Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Herrero; Paddie(C).

Absent — Canales; Capriglione; Deshotel; Dukes; Walle.

HCR 158 - ADOPTED

(by Wray)

The following privileged resolution was laid before the house:

HCR 158

WHEREAS, **HB 2271** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction to the enrolled version of **HB 2271**:

In SECTION 12 of the bill, in amended Section 205.001(3), Estates Code, strike "Subsection (4)" and substitute "Subdivision (4)".

HCR 158 was adopted by (Record 2035): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield;

Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Ashby; Clardy; Deshotel; Dukes; Fallon.

HR 2642 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2642**.

The motion prevailed.

The following resolution was laid before the house:

HR 2642, Congratulating Joe K. Longley of Austin on his election as president of the State Bar of Texas.

HR 2642 was adopted.

On motion of Representative S. Thompson, the names of all the members of the house were added to **HR 2642** as signers thereof.

HCR 154 - ADOPTED
(by Collier)

The following privileged resolution was laid before the house:

HCR 154

WHEREAS, **HB 3574** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections to the enrolled version of **HB 3574**:

(1) In SECTION 1 of the bill, in the recital for amended Section 2306.6710(a), Government Code, strike "SECTION 1. SECTION 1." and substitute "SECTION 1. (a)".

(2) In SECTION 1 of the bill, immediately following amended Section 2306.6710(a), Government Code, insert the following:

(b) Effective September 1, 2019, Section 2306.6710(a), Government Code, is amended to read as follows:

(a) In evaluating an application, the department shall determine whether the application satisfies the threshold criteria required by the board in the qualified allocation plan. The department shall reject and return to the applicant any application that fails to satisfy the threshold criteria.

(3) In SECTION 2 of the bill, strike "The change in law made by this Act expires on August 31, 2019, and thereafter reverts to the law in effect prior to the enactment of these changes. This change" and substitute "The change in law made by this Act".

(4) In SECTION 4 of the bill, in the language regarding the effective date, strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

HCR 154 was adopted by (Record 2036): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Fairecloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithe; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Bailes; Clardy; Dukes; Lambert; Phelan; Thompson, E.; Wray.

HCR 153 - ADOPTED
(by Goldman)

The following privileged resolution was laid before the house:

HCR 153

WHEREAS, **HB 3287** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections to the enrolled version of **HB 3287**:

(1) In SECTION 6(a) of the bill, strike "Chapters 12 and 62," and substitute "Chapters 12 and 62, Alcoholic Beverage Code,".

(2) In SECTION 6(a) of the bill, strike "sections 12.052(a) or 62.122(a)by" and substitute "Section 12.052(a) or 62.122(a), Alcoholic Beverage Code, by".

(3) In SECTION 6(b) of the bill, strike "Chapters 12 and 62," and substitute "Chapters 12 and 62, Alcoholic Beverage Code,".

(4) In SECTION 6(b) of the bill, strike "sections 12.052(a) or 62.122(a)" and substitute "Section 12.052(a) or 62.122(a), Alcoholic Beverage Code,".

(5) In SECTION 6(b) of the bill, strike "Sections 12.052 (b) and (e) and 62.122 (b) and (e)" and substitute "Sections 12.052(b) and (e) and 62.122(b) and (e), Alcoholic Beverage Code".

HCR 153 was adopted by (Record 2037): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Laubenberg; Longoria; Lozano; Lucio; Martinez; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Paddie(C).

Absent — Ashby; Clardy; Deshotel; Dukes; Giddings; Lambert; Larson; Leach; Metcalf; Phelan; Stucky; Wray.

STATEMENT OF VOTE

When Record No. 2037 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List Nos. 29 and 31).

RESOLUTIONS ADOPTED

Representative Lucio moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2623 (by Raymond), Congratulating Andrea Miranda Paez on her selection as the 2016-2017 Laredo Sector Border Patrol Youth of the Year.

HR 2625 (by Bohac and Villalba), Honoring Jim Richardson on his retirement as headmaster of Dallas Academy.

HR 2627 (by D. Bonnen), Commemorating the 150th anniversary of Bethlehem African Methodist Episcopal Church in Old Ocean.

HR 2629 (by Cain), Honoring the Deer Park Lions Club on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2630 (by Cain), Honoring the Pasadena Lions Club on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2631 (by Cain), Honoring the Leo Club at Goose Creek Memorial High School on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2632 (by Cain), Honoring the Leo Club at Crosby High School on the occasion of the 100th anniversary of the founding of Lions Clubs International.

HR 2633 (by Bohac), Commending the House Research Organization for its work during the 85th Legislative Session.

HR 2636 (by Craddick), Congratulating Allison Stewart and Kate Daugherty of Midland High School on winning the 2017 UIL 6A girls' doubles tennis state championship.

HR 2638 (by Hunter), Congratulating Gus Cargile Jr. of Corpus Christi on his 95th birthday.

HR 2639 (by Wu), Commending Sandra Rodriguez for her service as council president of Super Neighborhood No. 27–Gulfton.

HR 2643 (by Guillen), Congratulating Bruce Pearson on his retirement as the city manager of Pleasanton.

HR 2645 (by Guillen), Recognizing the Starr County Fair Association Cook-off in Rio Grande City.

HR 2647 (by Gutierrez), Recognizing June 27, 2017, as Post-Traumatic Stress Injury Awareness Day and the month of June as Post-Traumatic Stress Injury Awareness Month in Texas.

HR 2648 (by White), Congratulating the students from House District 19 who competed at the 2017 UIL Academic State Meet.

HR 2649 (by White), Congratulating J. C. and Dorothy Smith of Buna on their 60th wedding anniversary.

HR 2653 (by Guillen), Congratulating Jackelyn Rosalee Barrera of Roma on receiving a Best Mariachi Vocalist in the U.S. award at the 2014 Mariachi Vargas Extravaganza National Vocal Competition.

HR 2654 (by Lucio), Recognizing the Texas Association of Public Employee Retirement Systems.

HR 2655 (by Roberts), Congratulating ZaDarius Webber of Klein Forest High School on his selection as a 2017 Student Hero by the Texas State Board of Education.

HR 2668 (by Uresti), Honoring Carilu Hernandez of Wright Elementary School for her participation in the Texas State Teachers Association Thank Teachers ad campaign.

The resolutions were adopted.

Representative Lucio moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2624 (by Wu), In memory of Lucille Louie Gee of Houston.

HR 2634 (by Burkett), In memory of Ernestine Holt Bridges of Mesquite.

HR 2640 (by Huberty), In memory of Chief of Police Steven "Eric" DiSario of Kirkersville, Ohio.

HR 2641 (by Huberty), In memory of Kenneth Ray Morrison.

HR 2644 (by Guillen), In memory of Brooks County deputy sheriff Ramiro Perez Jr.

HR 2646 (by R. Anderson), In memory of Bryce Anthony Montgomery of Grand Prairie.

HR 2651 (by Guerra), In memory of Dr. Mario E. Ramirez of Rio Grande City.

HR 2652 (by Paddie), In memory of Mary Lou Paddie Deville of Center.

The resolutions were unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 32).

(Speaker in the chair)

HCR 82 - ADOPTED (by Turner)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HCR 82**.

The motion prevailed.

The following resolution was laid before the house:

HCR 82, Urging Congress to retain the tax exemption for municipal bonds.

HCR 82 was adopted by (Record 2038): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Farrar.

STATEMENT OF VOTE

When Record No. 2038 was taken, I was shown voting yes. I intended to vote no.

Rinaldi

SB 1450 - RULES SUSPENDED

Representative D. Bonnen moved to suspend all necessary rules to consider the conference committee report on **SB 1450**.

The motion prevailed by (Record 2039): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield;

Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Coleman; Dukes; King, T.

SB 1450 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative G. Bonnen submitted the conference committee report on **SB 1450**.

SB 1450 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE E. THOMPSON: I had a question in regard to the amendment. You and I had some discussions about the amendment we had on a prior piece of legislation, and that did not make it over in the senate. And then you added the amendment without some language on there that I had placed on the original amendment. My concern or my question, I guess, for legislative intent is this has to do with notifying lienholders about the personal auto policy, is that correct?

REPRESENTATIVE MURR: That is correct, and the basic premise of this amendment was **HB 849**, which passed overwhelmingly out of the house.

E. THOMPSON: Okay, and I know that's the piece of legislation that I amended to add the information on there about the named driver policy. I guess for legislative intent, this personal auto policy—in the way the amendment was written stating a personal auto policy—was it your intent to have all personal auto policies, no matter what type of endorsement they might have on them, to fall under this amendment that you placed on this bill?

MURR: We reworked the language of this amendment so that it conformed with the premise of this bill which relates to the authority of the commissioner of insurance. And so it allows the commissioner of insurance the rulemaking authority to set that in place for notices of all types of policies. And it is written with scope broad enough probably to apply and intended to apply with what the bill was as it passed out of the house.

E. THOMPSON: Okay, let me ask this question, and this will be my last question of you. Right now, as you know, the Department of Insurance is without a commissioner. And so my question is, as we move through this not knowing when a commissioner might be appointed, at what point in time, then where does this authority lie albeit there being no commissioner?

MURR: With an absence of a commissioner, I don't know the answer to your question. I'm not advised, but I believe that with an appointment of a commissioner then the rulemaking authority would be with the commissioner of insurance.

E. THOMPSON: So is it your belief then that this particular amendment might not go into effect until they do appoint an insurance commissioner?

MURR: That seems like a practical conclusion. Yes, sir.

REMARKS ORDERED PRINTED

Representative E. Thompson moved to print remarks between Representative Murr and Representative E. Thompson.

The motion prevailed.

Representative G. Bonnen moved to adopt the conference committee report on **SB 1450**.

The motion to adopt the conference committee report on **SB 1450** prevailed by (Record 2040): 99 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Canales; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Geren; Goldman; Gonzales; Gooden; Guerra; Guillen; Hefner; Hinojosa; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Metcalf; Meyer; Miller; Morrison; Muñoz; Murphy; Murr; Oliverson; Parker; Paul; Phelan; Phillips; Pickett; Raney; Raymond; Rinaldi; Roberts; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Button; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Frullo; Gervin-Hawkins; Giddings; González; Gutierrez; Hernandez; Herrero; Howard; Israel; Johnson, E.; Lucio; Martinez; Minjarez; Moody; Neave; Nevárez; Oliveira; Ortega; Paddie; Perez; Price; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Smithee; Thierry; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Dukes; Krause; Sanford.

STATEMENTS OF VOTE

When Record No. 2040 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 2040 was taken, I was in the house but away from my desk. I would have voted yes.

Krause

When Record No. 2040 was taken, I was in the house but away from my desk. I would have voted yes.

Sanford

When Record No. 2040 was taken, I was shown voting yes. I intended to vote no.

S. Thompson

SB 1839 - RULES SUSPENDED

Representative D. Bonnen moved to suspend all necessary rules to consider the conference committee report on **SB 1839**.

The motion prevailed by (Record 2041): 133 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cortez; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Farrar; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rose; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Herrero; Nevárez; Romero; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Bernal; Coleman; Collier; Dukes; Fallon; Gervin-Hawkins; González; Gutierrez; Minjarez; Rodriguez, J.; Sanford.

STATEMENT OF VOTE

When Record No. 2041 was taken, my vote failed to register. I would have voted yes.

Fallon

SB 1839 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Koop submitted the conference committee report on **SB 1839**.

Representative Koop moved to adopt the conference committee report on **SB 1839**.

The motion to adopt the conference committee report on **SB 1839** prevailed by (Record 2042): 138 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Allen; Alonzo; Biedermann; Cain; Rinaldi; Rose; Stickland; Tinderholt.

Present, not voting — Mr. Speaker(C); Lambert.

Absent — Dukes; Farrar.

STATEMENT OF VOTE

When Record No. 2042 was taken, I was shown voting yes. I intended to vote no.

Swanson

SB 1839 - STATEMENT OF LEGISLATIVE INTENT

Representative Huberty submitted the following statement for inclusion in the journal:

In **SB 1839**, "long-term substitute" is intended to mean "a substitute that has served for at least 10 days in that role."

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

SB 1731 - RULES SUSPENDED

Representative D. Bonnen moved to suspend all necessary rules to consider the conference committee report on **SB 1731**.

The motion prevailed by (Record 2043): 101 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Clardy; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby;

Davis, S.; Dean; Dutton; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Hefner; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Landgraf; Lang; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raymond; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Simmons; Smithee; Springer; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Arévalo; Bernal; Canales; Elkins; Giddings; González; Gutierrez; Longoria; Martinez; Nevárez; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Blanco; Capriglione; Coleman; Collier; Davis, Y.; Deshotel; Dukes; Farrar; Guillen; Hernandez; Herrero; Johnson, E.; Krause; Lambert; Larson; Laubenberg; Leach; Lozano; Lucio; Oliveira; Phelan; Raney; Reynolds; Shine; Stickland; Thompson, S.; Turner; Villalba.

STATEMENTS OF VOTE

When Record No. 2043 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 2043 was taken, I was temporarily out of the house chamber. I would have voted yes.

Krause

When Record No. 2043 was taken, I was in the house but away from my desk. I would have voted yes.

Leach

When Record No. 2043 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

HR 2614 - ADOPTED (by Landgraf)

The following privileged resolution was laid before the house:

HR 2614

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1731** (the repeal of laws governing certain state entities, including the functions of those entities) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text in proposed SECTION 8 of the bill:

SECTION 8. TEXAS EMISSIONS REDUCTION PLAN ADVISORY BOARD.

...

(b) To the extent of a conflict between Subsection (a-2) of this section and any change in law made by another provision of this section, the change in law made by the other provision of this section controls.

(b-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.037 to read as follows:

Sec. 382.037. NOTICE IN TEXAS REGISTER REGARDING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE. (a) This section applies only if:

(1) with respect to each active or revoked national ambient air quality standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(A) designated the area as attainment or unclassifiable/attainment;

or

(B) approved a redesignation substitute making a finding of attainment for the area; and

(2) for each designated area described by Subdivision (1), with respect to an action of the United States Environmental Protection Agency described by Subdivision (1)(A) or (B):

(A) the action has been fully and finally upheld following judicial review or the limitations period to seek judicial review of the action has expired; and

(B) the rules under which the action was approved by the agency have been fully and finally upheld following judicial review or the limitations period to seek judicial review of those rules has expired.

(b) Not later than the 30th day after the date the conditions described by Subsection (a) have been met, the commission shall publish notice in the Texas Register that, with respect to each active or revoked national ambient air quality standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(1) designated the area as attainment or unclassifiable/attainment; or

(2) approved a redesignation substitute making a finding of attainment for the area.

(b-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.001(3), Health and Safety Code, is amended to read as follows:

(3) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(c) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.002, Health and Safety Code, is amended to read as follows:

Sec. 386.002. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2019]~~.

(c-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2) the motor vehicle purchase or lease incentive program established under Subchapter D;

(3) the air quality research support program established under Chapter 387;

(4) the clean school bus program established under Chapter 390;

(5) the new technology implementation grant program established under Chapter 391;

(6) the regional air monitoring program established under Section 386.252(a);

(7) a health effects study as provided by Section 386.252(a);

(8) air quality planning activities as provided by Section 386.252(d) ~~[386.252(a)]~~;

(9) a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a) ~~[386.252(a)(14)]~~;

(10) the clean fleet program established under Chapter 392;

(11) the alternative fueling facilities program established under Chapter 393;

(12) the natural gas vehicle grant program ~~[and clean transportation triangle program]~~ established under Chapter 394;

(13) other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;

(14) other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions; ~~[and]~~

(15) the seaport and rail yard areas emissions reduction ~~[drayage truck incentive]~~ program established under Subchapter D-1;

(16) conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;

(17) studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); and

(18) the governmental alternative fuel fleet grant program established under Chapter 395.

(c-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Sections 386.0515(a) and (c), Health and Safety Code, are amended to read as follows:

(a) In this section:

(1) "Agricultural [~~,"agricultural"~~] product transportation" means the transportation of a raw agricultural product from the place of production using a heavy-duty truck to:

(A) [(+)] a nonattainment area;

(B) [(2)] an affected county;

(C) [(3)] a destination inside the clean transportation zone [~~triangle~~]; or

(D) [(4)] a county adjacent to a county described by Paragraph (B) [~~Subdivision (2)~~] or that contains an area described by Paragraph (A) or (C) [~~Subdivision (1) or (3)~~].

(2) "Clean transportation zone" has the meaning assigned by Section 393.001.

(c) The determining factor for eligibility for participation in a program established under Chapter 392 or [~~Chapter~~] 394 [~~, as added by Chapter 892 (Senate Bill No. 385), Acts of the 82nd Legislature, Regular Session, 2011,~~] for a project relating to agricultural product transportation is the overall accumulative net reduction in emissions of oxides of nitrogen in a nonattainment area, an affected county, or the clean transportation zone [~~triangle~~].

...

(d-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.103, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) To reduce the administrative burden for the commission and applicants, the commission may streamline the application process by:

(1) reducing data entry and the copying and recopying of applications;
and

(2) developing, maintaining, and periodically updating a system to accept applications electronically through the commission's Internet website.

(d-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Sections 386.104(f) and (j), Health and Safety Code, are amended to read as follows:

...

(j) The executive director may ~~shall~~ waive any eligibility requirements established under this section on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances.

...
 (e-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Sections 386.116(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) In this section, "small business" means a business owned by a person who:

(1) owns and operates not more than five ~~two~~ vehicles, one of which is:

(A) an on-road diesel ~~[with a pre 1994 engine model]~~; or

(B) a non-road diesel ~~[with an engine with uncontrolled emissions]~~; and

(2) has owned the vehicle described by Subdivision (1)(A) or (B) for more than two years ~~[one year]~~.

(b) The commission ~~[by rule]~~ shall develop a method of providing fast and simple access to grants under this subchapter for a small business. The method must:

(1) create a separate small business grant program; or

(2) require the commission to give special consideration to small businesses when implementing another program established under this subchapter.

(c) The commission shall publicize and promote the availability of grants under this subchapter for small businesses ~~[section]~~ to encourage the use of vehicles that produce fewer emissions.

(e-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Chapter 386, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM

Sec. 386.151. DEFINITIONS. In this subchapter:

(1) "Light-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of less than 10,000 pounds.

(2) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

Sec. 386.152. APPLICABILITY. The provisions of this subchapter relating to a lessee do not apply to a person who rents or leases a light-duty motor vehicle for a term of 30 days or less.

Sec. 386.153. COMMISSION DUTIES REGARDING LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM.

(a) The commission shall develop a purchase or lease incentive program for new light-duty motor vehicles and shall adopt rules necessary to implement the program.

(b) The program shall authorize statewide incentives for the purchase or lease of new light-duty motor vehicles powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell or other electric drives for a purchaser or lessee who agrees to register and operate the vehicle in this state for a minimum period of time to be established by the commission.

(c) Only one incentive will be provided for each new light-duty motor vehicle. The incentive shall be provided to the lessee and not to the purchaser if the motor vehicle is purchased for the purpose of leasing the vehicle to another person.

(d) The commission by rule may revise the standards for the maximum unloaded vehicle weight rating and gross vehicle weight rating of an eligible vehicle to ensure that all of the vehicle weight configurations available under one general vehicle model may be eligible for an incentive.

Sec. 386.154. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE REQUIREMENTS. (a) A new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas is eligible for a \$5,000 incentive if the vehicle:

(1) has four wheels;

(2) was originally manufactured to comply with and has been certified by an original equipment manufacturer or intermediate or final state vehicle manufacturer as complying with, or has been altered to comply with, federal motor vehicle safety standards, state emissions regulations, and any additional federal or state regulations applicable to vehicles powered by compressed natural gas or liquefied petroleum gas;

(3) was manufactured for use primarily on public streets, roads, and highways;

(4) has a dedicated or bi-fuel compressed natural gas or liquefied petroleum gas fuel system:

(A) installed prior to first sale or within 500 miles of operation of the vehicle following first sale; and

(B) with a range of at least 125 miles as estimated, published, and updated by the United States Environmental Protection Agency;

(5) has, as applicable, a:

(A) compressed natural gas fuel system that complies with the:

(i) 2013 NFPA 52 Vehicular Gaseous Fuel Systems Code; and

(ii) American National Standard for Basic Requirements for

Compressed Natural Gas Vehicle (NGV) Fuel Containers, commonly cited as "ANSI/CSA NGV2"; or

(B) liquefied petroleum gas fuel system that complies with:

(i) the 2011 NFPA 58 Liquefied Petroleum Gas Code; and

(ii) Section VII of the 2013 ASME Boiler and Pressure Vessel

Code; and

(6) was acquired on or after September 1, 2013, or a later date established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(b) If the commission determines that an updated version of a code or standard described by Subsection (a)(5) is more stringent than the version of the code or standard described by Subsection (a)(5), the commission by rule may provide that a vehicle for which a person applies for an incentive under Subsection (a) is eligible for the incentive only if the vehicle complies with the updated version of the code or standard.

(c) The incentive under Subsection (a) is limited to 1,000 vehicles for each state fiscal biennium.

(d) A new light-duty motor vehicle powered by an electric drive is eligible for a \$2,500 incentive if the vehicle:

(1) has four wheels;

(2) was manufactured for use primarily on public streets, roads, and highways;

(3) has not been modified from the original manufacturer's specifications;

(4) has a maximum speed capability of at least 55 miles per hour;

(5) is propelled to a significant extent by an electric motor that draws electricity from a hydrogen fuel cell or from a battery that:

(A) has a capacity of not less than four kilowatt hours; and

(B) is capable of being recharged from an external source of electricity; and

(6) was acquired on or after September 1, 2013, or a later date as established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(e) The incentive under Subsection (d) is limited to 2,000 vehicles for each state fiscal biennium.

Sec. 386.155. MANUFACTURER'S REPORT. (a) At the beginning of but not later than July 1 of each year preceding the vehicle model year, a manufacturer of motor vehicles, an intermediate or final state vehicle manufacturer, or a manufacturer of compressed natural gas or liquefied petroleum gas systems shall provide to the commission a list of the new vehicle or natural gas or liquefied petroleum gas systems models that the manufacturer intends to sell in this state during that model year that meet the incentive requirements established under Section 386.154. The manufacturer or installer may supplement the list provided to the commission under this section as necessary to include additional new vehicle models the manufacturer intends to sell in this state during the model year.

(b) The commission may supplement the information provided under Subsection (a) with additional information on available vehicle models, including information provided by manufacturers or installers of systems to convert new motor vehicles to operate on natural gas or liquefied petroleum gas before sale as a new vehicle or within 500 miles of operation of the vehicle following first sale.

Sec. 386.156. LIST OF ELIGIBLE MOTOR VEHICLES. (a) On August 1 of each year the commission shall publish a list of new motor vehicle models eligible for inclusion in an incentive under this subchapter. The commission shall publish supplements to that list as necessary to include additional new vehicle models.

(b) The commission shall publish the list of eligible motor vehicle models on the commission's Internet website.

Sec. 386.157. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE. (a) A person who purchases or leases a new light-duty motor vehicle described by Section 386.154 and listed under Section 386.156(a) is eligible to apply for an incentive under this subchapter.

(b) A lease incentive for a new light-duty motor vehicle shall be prorated based on a three-year lease term.

(c) To receive money under an incentive program provided by this subchapter, the purchaser or lessee of a new light-duty motor vehicle who is eligible to apply for an incentive under this subchapter shall apply for the incentive in the manner provided by law or by rule of the commission.

Sec. 386.158. COMMISSION TO ACCOUNT FOR MOTOR VEHICLE PURCHASE OR LEASE INCENTIVES. (a) The commission by rule shall develop a method to administer and account for the motor vehicle purchase or lease incentives authorized by this subchapter and to pay incentive money to the purchaser or lessee of a new motor vehicle, on application of the purchaser or lessee as provided by this subchapter.

(b) The commission shall develop and publish forms and instructions for the purchaser or lessee of a new motor vehicle to use in applying to the commission for an incentive payment under this subchapter. The commission shall make the forms available to new motor vehicle dealers and leasing agents. Dealers and leasing agents shall make the forms available to their prospective purchasers or lessees.

(c) The commission may require the submission of forms and documentation as needed to verify eligibility for an incentive under this subchapter.

Sec. 386.159. PURCHASE OR LEASE INCENTIVES INFORMATION.

(a) The commission shall establish a toll-free telephone number available to motor vehicle dealers and leasing agents for the dealers and agents to call to verify that incentives are available. The commission may provide for issuing verification numbers over the telephone line.

(b) Reliance by a dealer or leasing agent on information provided by the commission is a complete defense to an action involving or based on eligibility of a vehicle for an incentive or availability of vehicles eligible for an incentive.

Sec. 386.160. RESERVATION OF INCENTIVES. The commission may provide for dealers and leasing agents to reserve for a limited time period incentives for vehicles that are not readily available and must be ordered, if the dealer or leasing agent has a purchase or lease order signed by an identified customer.

(f) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, the heading to Subchapter D-1, Chapter 386, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D-1. SEAPORT AND RAIL YARD AREAS EMISSIONS REDUCTION [~~DRAYAGE TRUCK INCENTIVE~~] PROGRAM

(f-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, the heading to Section 386.181, Health and Safety Code, is amended to read as follows:

Sec. 386.181. DEFINITIONS [~~DEFINITION~~]; RULES.

(f-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.181(a), Health and Safety Code, is amended to read as follows:

(a) In this subchapter:

(1) "Cargo handling equipment" means any heavy-duty non-road, self-propelled vehicle or land-based equipment used at a seaport or rail yard to lift or move cargo, such as containerized, bulk, or break-bulk goods.

(2) "Drayage [~~drayage~~] truck" means a heavy-duty on-road or non-road vehicle that is used for drayage activities and that operates in or transgresses through [~~truck that transports a load to or from~~] a seaport or rail yard for the purpose of loading, unloading, or transporting cargo, including transporting empty containers and chassis.

(3) "Repower" means to replace an old engine powering a vehicle with a new engine, a used engine, a remanufactured engine, or electric motors, drives, or fuel cells.

(g) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.182, Health and Safety Code, is amended to read as follows:

Sec. 386.182. COMMISSION DUTIES. (a) The commission shall:

(1) develop a purchase incentive program to encourage owners to:

(A) replace older drayage trucks and cargo handling equipment [~~with pre-2007 model year engines~~] with newer drayage trucks and cargo handling equipment; or

(B) repower drayage trucks and cargo handling equipment; and

(2) [~~shall~~] adopt guidelines necessary to implement the program described by Subdivision (1).

(b) The commission by rule and guideline shall establish criteria for the engines and the models of drayage trucks and cargo handling equipment that are eligible for inclusion in an incentive program under this subchapter. [~~The guidelines must provide that a drayage truck owner is not eligible for an incentive payment under this subchapter unless the truck being replaced contains a pre-2007 model year engine and the replacement truck's engine is from model year 2010 or later as determined by the commission and that the truck operates at a seaport or rail yard.~~]

(g-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, the heading to Section 386.183, Health and Safety Code, is amended to read as follows:

Sec. 386.183. DRAYAGE TRUCK AND CARGO HANDLING EQUIPMENT PURCHASE INCENTIVE.

(g-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.183, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (a-1) to read as follows:

(a) To be eligible for an incentive under this subchapter, a person must:

(1) purchase a replacement drayage truck, piece of cargo handling equipment, or engine that under Subsection (a-1)(1)(A) or (2)(A), as applicable, and the guidelines adopted by the commission under Section 386.182 is eligible for inclusion in the program for an incentive under this subchapter; and

(2) agree to:

(A) register the drayage truck in this state, if the replacement or repowered vehicle is an on-road drayage truck;

(B) operate the replacement or repowered drayage truck or cargo handling equipment in and within a maximum distance established by the commission of a seaport or rail yard in a nonattainment area of this state for not less than 50 percent of the truck's or equipment's [vehicle's] annual mileage or hours of operation, as determined by the commission; and

(C) permanently remove the [a pre 2007] drayage truck, cargo handling equipment, or engine replaced under the program [containing a pre 2007 engine owned by the person] from operation in a nonattainment area of this state by destroying the engine in accordance with guidelines established by the commission and, if the incentive is for a replacement drayage truck or cargo handling equipment, scrapping the truck or equipment after the purchase of the replacement [new] truck or equipment in accordance with guidelines established by the commission.

(a-1) To be eligible for purchase under this program:

(1) a drayage truck or cargo handling equipment must:

(A) be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the truck or equipment being replaced under the program emits such pollutants; and

(2) an engine repowering a drayage truck or cargo handling equipment must:

(A) be an electric motor or an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the former engine in the truck or equipment being repowered under the program emits such pollutants.

(b) To receive money under an incentive program provided by this subchapter, the purchaser of a drayage truck, piece of cargo handling equipment, or engine eligible for inclusion in the program must apply for the incentive in the manner provided by law, rule, or guideline of the commission.

(c) Not more than one incentive may be provided for each drayage truck or piece of cargo handling equipment purchased or repowered.

(d) An incentive provided under this subchapter may be used to fund not more than 80 percent of, as applicable, the purchase price of:

(1) the drayage truck or cargo handling equipment; or

(2) the engine and any other eligible costs associated with repowering the drayage truck or cargo handling equipment, as determined by the commission.

(e) The commission shall establish procedures to verify that a person who receives an incentive:

(1) has operated in a seaport or rail yard and owned or leased the drayage truck or cargo handling equipment to be replaced or repowered for at least two years prior to receiving the grant; and

(2) as applicable:

(A) after purchase of the replacement drayage truck or cargo handling equipment, permanently destroys the engine and scraps the [drayage] truck or equipment replaced under the program [that contained the pre-2007 engine owned or leased by the person,] in accordance with guidelines established by the commission; or

(B) after repowering the drayage truck or cargo handling equipment, permanently destroys the engine that was contained in the truck or equipment in accordance with guidelines established by the commission [after the purchase of the new truck].

(h) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 386.252, Health and Safety Code, is amended to read as follows:

Sec. 386.252. USE OF FUND. (a) Money in the fund may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h), money [Money] appropriated to the commission to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1) ~~[not more than]~~ four percent may be used for the clean school bus program under Chapter 390;

(2) ~~[not more than]~~ three percent may be used for the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy;

(3) five percent may [shall] be used for the clean fleet program under Chapter 392;

(4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for,

monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5) ~~10~~ not less than 16 percent may ~~shall~~ be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) ~~not more than \$6 million~~ five percent may be used ~~[to provide grants for natural gas fueling stations under the clean transportation triangle program under Section 394.010;~~

~~[(7) not more than five percent may be used]~~ for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) ~~[(8)]~~ not more than \$750,000 ~~[a specified amount]~~ may be used each year to support research related to air quality as provided by Chapter 387;

(8) ~~[(9)]~~ not more than \$200,000 may be used for a health effects study[;]

~~[(10) \$500,000 is to be deposited in the state treasury to the credit of the clean air account created under Section 382.0622 to supplement funding for air quality planning activities in affected counties];~~

(9) ~~[(11)]~~ at least \$6 ~~[\$4]~~ million but not more than \$8 ~~[and up to four percent to a maximum of \$7]~~ million ~~[, whichever is greater,]~~ is allocated to the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) ~~six~~ ~~[(12) at least two]~~ percent may ~~[and up to five percent of the fund is to]~~ be used by the commission for the seaport and rail yard areas emissions reduction ~~[drayage truck incentive]~~ program established under Subchapter D-1;

(11) ~~[(13) not more than]~~ five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12) ~~[(14)]~~ not more than \$216,000 is allocated to the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13) not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter ~~[(15) 1.5 percent of the money in the fund is allocated for administrative costs incurred by the laboratory];~~ and

(14) ~~[(16)]~~ the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

~~(b) [The commission may allocate unexpended money designated for the clean fleet program under Chapter 392 to other programs described under Subsection (a) after the commission allocates money to recipients under the clean fleet program.]~~

~~[(c) The commission may allocate unexpended money designated for the Texas alternative fueling facilities program under Chapter 393 to other programs described under Subsection (a) after the commission allocates money to recipients under the alternative fueling facilities program.]~~

~~[(d) The commission may reallocate money designated for the Texas natural gas vehicle grant program under Chapter 394 to other programs described under Subsection (a) if:~~

~~(1) the commission, in consultation with the governor and the advisory board, determines that the use of the money in the fund for that program will cause the state to be in noncompliance with the state implementation plan to the extent that federal action is likely; and~~

~~(2) the commission finds that the reallocation of some or all of the funding for the program would resolve the noncompliance.~~

~~[(e) Under Subsection (d), the commission may not reallocate more than the minimum amount of money necessary to resolve the noncompliance.]~~

~~[(e-1) Money allocated under Subsection (a) to a particular program may be used for another program under the plan as determined by the commission.]~~

~~[(f) Money in the fund may be used by the commission for programs under Sections 386.051(b)(13), (b)(14), and (b-1) as may be appropriated for those programs.]~~

~~(c) [(e)] If the legislature does not specify amounts or percentages from the total appropriation to the commission to be allocated under Subsection (a) or (b) [(f)], the commission shall determine the amounts of the total appropriation to be allocated under each of those subsections, such that the total appropriation is expended while maximizing emissions reductions.~~

(d) To supplement funding for air quality planning activities in affected counties, \$500,000 from the fund is to be deposited annually in the state treasury to the credit of the clean air account created under Section 382.0622.

(e) Money in the fund may be allocated for administrative costs incurred by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station as may be appropriated by the legislature.

(f) To the extent that money is appropriated from the fund for that purpose, not more than \$2.5 million may be used by the commission to conduct research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event.

(g) To the extent that money is appropriated from the fund for that purpose, the commission may use that money to award grants under the governmental alternative fuel fleet grant program established under Chapter 395, except that the commission may not use for that purpose more than three percent of the balance of the fund as of September 1 of each state fiscal year of the biennium for the governmental alternative fuel fleet grant program in that fiscal year.

(h) Subject to the limitations outlined in this section and any additional limitations placed on the use of the appropriated funds, money allocated under this section to a particular program may be used for another program under the plan as determined by the commission, based on demand for grants for eligible projects under particular programs after the commission solicits projects to which to award grants according to the initial allocation provisions of this section.

(h-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 390.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Commission" means the Texas Commission on Environmental Quality.

(1-a) "Diesel exhaust" means one or more of the air pollutants emitted from an engine by the combustion of diesel fuel, including particulate matter, nitrogen oxides, volatile organic compounds, air toxics, and carbon monoxide.

(h-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 390.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) diesel oxidation catalysts for school buses built before 1994;

(2) diesel particulate filters for school buses built from 1994 to 1998;

(3) the purchase and use of emission-reducing add-on equipment for school buses, including devices that reduce crankcase emissions;

(4) the use of qualifying fuel; ~~and~~

(5) other technologies that the commission finds will bring about significant emissions reductions; and

(6) replacement of a pre-2007 model year school bus.

(i) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 390.004, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A school bus proposed for replacement must:

(1) be of model year 2006 or earlier;

(2) have been owned and operated by the applicant for at least the two years before submission of the grant application;

(3) be in good operational condition; and

(4) be currently used on a regular, daily route to and from a school.

(d) A school bus proposed for purchase to replace a pre-2007 model year school bus must be of the current model year or the year before the current model year at the time of submission of the grant application.

(i-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 390.005, Health and Safety Code, is amended to read as follows:

Sec. 390.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the project for which the grant is made, which may include the reasonable and

necessary expenses incurred for the labor needed to install emissions-reducing equipment. The recipient may not use the grant to pay the recipient's administrative expenses.

(b) A school bus acquired to replace an existing school bus must be purchased and the grant recipient must agree to own and operate the school bus on a regular, daily route to and from a school for at least five years after a start date established by the commission, based on the date the commission accepts documentation of the permanent destruction or permanent removal of the school bus being replaced.

(c) A school bus replaced under this program must be rendered permanently inoperable by crushing the bus, by making a hole in the engine block and permanently destroying the frame of the bus, or by another method approved by the commission, or be permanently removed from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or bus. The commission shall enforce the destruction and removal requirements.

(d) In this section, "permanent removal" means the permanent export of a school bus or the engine of a school bus to a destination outside of the United States, Canada, or the United Mexican States.

(i-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 390.006, Health and Safety Code, is amended to read as follows:

Sec. 390.006. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2019].

(j) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 391.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) advanced clean energy projects, as defined by Section 382.003;

(2) new technology projects that reduce emissions of regulated pollutants from stationary ~~point~~ sources;

(3) new technology projects that reduce emissions from upstream and midstream oil and gas production, completions, gathering, storage, processing, and transmission activities through:

(A) the replacement, repower, or retrofit of stationary compressor engines;

(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or

(C) the installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate electricity solely for on-site service; and

(4) ~~(3)~~ electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use.

(j-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 391.102(f), Health and Safety Code, is amended to read as follows:

(f) In reviewing a grant application under this chapter [~~coordinating interagency application review procedures~~], the commission may [~~shall~~]:

- (1) solicit review and comments from:
 - (A) the comptroller to assess:
 - (i) the financial stability of the applicant;
 - (ii) the economic benefits and job creation potential associated with the project; and
 - (iii) any other information related to the duties of that office;
 - (B) the Public Utility Commission of Texas to assess:
 - (i) the reliability of the proposed technology;
 - (ii) the feasibility and cost-effectiveness of electric transmission associated with the project; and
 - (iii) any other information related to the duties of that agency;
- and
- (C) the Railroad Commission of Texas to assess:
 - (i) the availability and cost of the fuel involved with the project; and
 - (ii) any other information related to the duties of that agency;

and
(2) consider the comments received under Subdivision (1) in the commission's grant award decision process~~;~~ and

~~[(3) as part of the report required by Section 391.104, justify awards made to projects that have been negatively reviewed by agencies under Subdivision (1)].~~

(j-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 391.104, Health and Safety Code, is amended to read as follows:

Sec. 391.104. REPORTING REQUIREMENTS. The commission [~~annually~~] shall include in the biennial plan report required by Section 386.057(b) information [~~prepare a report~~] that summarizes the applications received and grants awarded in the preceding biennium [~~year~~]. Preparation of the information for the report may [~~must~~] include the participation of any [~~the~~] state agency [~~agencies~~] involved in the review of applications under Section 391.102, if the commission determines participation of the agency is needed.

(k) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 391.205(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (c), in awarding grants under this chapter the commission shall give preference to projects that:

- (1) involve the transport, use, recovery for use, or prevention of the loss of natural resources originating or produced in this state;
- (2) contain an energy efficiency component; [~~or~~]
- (3) include the use of solar, wind, or other renewable energy sources; or

(4) recover waste heat from the combustion of natural resources and use the heat to generate electricity.

(k-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 391.304, Health and Safety Code, is amended to read as follows:

Sec. 391.304. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2019]~~.

(k-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 392.001(1), Health and Safety Code, is amended to read as follows:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, including electricity, compressed natural gas, liquefied ~~[liquefied]~~ natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

(l) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Sections 392.002(b) and (c), Health and Safety Code, are amended to read as follows:

(b) An entity that places 10 ~~[20]~~ or more qualifying vehicles in service for use entirely in this state during a calendar year is eligible to participate in the program.

(c) Notwithstanding Subsection (b), an entity that submits a grant application for 10 ~~[20]~~ or more qualifying vehicles is eligible to participate in the program even if the commission denies approval for one or more of the vehicles during the application process.

(l-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 392.003(a), Health and Safety Code, is amended to read as follows:

(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the eligibility period established by the commission ~~[calendar year]~~ the entity purchases a new on-road vehicle that:

(1) is certified to the appropriate current federal emissions standards as determined by the commission;

(2) replaces a diesel-powered on-road vehicle of the same weight classification and use; and

(3) is a hybrid vehicle or fueled by an alternative fuel.

(l-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 392.004(d), Health and Safety Code, is amended to read as follows:

(d) The commission shall minimize, to the maximum extent possible, the amount of paperwork required for an application. ~~[An applicant may be required to submit a photograph or other documentation of a vehicle identification number, registration information, inspection information, tire condition, or engine block identification only if the photograph or documentation is requested by the commission after the commission has decided to award a grant to the applicant under this chapter.]~~

(m) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 392.005, Health and Safety Code, is amended by amending Subsections (c) and (i) and adding Subsection (c-1) to read as follows:

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, registered, and operated in the state by the grant recipient until the earlier of the fifth anniversary of the activity start date established by the commission ~~[the date of reimbursement of the grant funded expenses]~~ or ~~[until]~~ the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission ~~[of reimbursement]~~. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the state.

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle being replaced.

(i) The executive director ~~may~~ shall waive the requirements of Subsection (b)(2)(A) on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances.

(m-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 392.008, Health and Safety Code, is amended to read as follows:

Sec. 392.008. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2017].

(m-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquefied ~~[liquefied]~~ natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

(1-a) "Clean transportation zone" means:

(A) counties containing or intersected by a portion of an interstate highway connecting the cities of Houston, San Antonio, Dallas, and Fort Worth;

(B) counties located within the area bounded by the interstate highways described by Paragraph (A);

(C) counties containing or intersected by a portion of:

(i) an interstate highway connecting San Antonio to Corpus Christi or Laredo;

(ii) the most direct route using highways in the state highway system connecting Corpus Christi and Laredo; or

(iii) a highway corridor connecting Corpus Christi and Houston;

(D) counties located within the area bounded by the highways described by Paragraph (C);

(E) counties in this state all or part of which are included in a nonattainment area designated under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407); and

(F) counties designated as affected counties under Section 386.001.

(n) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.002, Health and Safety Code, is amended to read as follows:

Sec. 393.002. PROGRAM. (a) The commission shall establish and administer the Texas alternative fueling facilities program to provide fueling facilities for alternative fuel in the clean transportation zone [~~nonattainment areas~~]. Under the program, the commission shall provide a grant for each eligible facility to offset the cost of those facilities.

(b) An entity that constructs or reconstructs [~~or acquires~~] an alternative fueling facility is eligible to participate in the program.

(c) To ensure that alternative fuel vehicles have access to fuel and to build the foundation for a self-sustaining market for alternative fuels in Texas, the commission shall provide for strategically placed fueling facilities in the clean transportation zone to enable an alternative fuel vehicle to travel in those areas relying solely on the alternative fuel.

(d) The commission shall maintain a listing to be made available to the public online of all vehicle fueling facilities that have received grant funding, including location and hours of operation.

(n-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.003, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) An entity operating in this state that constructs or reconstructs [~~or acquires~~] a facility to [~~store, compress, or~~] dispense alternative fuels may apply for and receive a grant under the program.

(b) The commission may [~~adopt guidelines to~~] allow a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(d) An application for a grant under the program must include a certification that the applicant complies with laws, rules, guidelines, and requirements applicable to taxation of fuel provided by the applicant at each fueling facility owned or operated by the applicant. The commission may terminate a grant awarded under this section without further obligation to the grant recipient if the commission determines that the recipient did not comply with a law, rule, guideline, or requirement described by this subsection. This subsection does not create a cause of action to contest an application or award of a grant.

(e) The commission shall disburse grants under the program through a competitive application selection process to offset a portion of the eligible costs.

(n-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.004, Health and Safety Code, is amended to read as follows:

Sec. 393.004. ELIGIBILITY OF FACILITIES FOR GRANTS. (a) In addition to the requirements of this chapter, the commission shall establish additional eligibility and prioritization criteria as needed to implement the program ~~[The commission by rule shall establish criteria for prioritizing facilities eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate].~~

(b) The prioritization criteria established under Subsection (a) must provide that, for each grant round, the commission may not award a grant to an entity that does not ~~[To be eligible for a grant under the program, the entity receiving the grant must]~~ agree to make the alternative fueling facility accessible and available to the public ~~[persons not associated with the entity]~~ at times designated by the grant contract until each eligible entity that does agree to those terms has been awarded a grant ~~[agreement].~~

(c) The commission may not award more than one grant for each facility.

(d) The commission may give preference to or otherwise limit grant selections to:

(1) fueling facilities providing specific types of alternative fuels;

(2) fueling facilities in a specified area or location; and

(3) fueling facilities meeting other specified prioritization criteria established by the commission.

(e) For fueling facilities to provide natural gas, the commission shall give preference to:

(1) facilities providing both liquefied natural gas and compressed natural gas at a single location;

(2) facilities located not more than one mile from an interstate highway system;

(3) facilities located in the area in and between the Houston, San Antonio, and Dallas-Fort Worth areas; and

(4) facilities located in the area in and between the Corpus Christi, Laredo, and San Antonio areas ~~[A recipient of a grant under this chapter is not eligible to receive a second grant under this chapter for the same facility].~~

(o) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.005, Health and Safety Code, is amended to read as follows:

Sec. 393.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant only to pay the costs of the facility for which the grant is made. The recipient may not use the grant to pay the recipient's:

(1) administrative expenses;

(2) expenses for the purchase of land or an interest in land; or

(3) expenses for equipment or facility improvements that are not directly related to the delivery, storage, compression, or dispensing of the alternative fuel at the facility.

(b) Each grant must be awarded using a contract that requires the recipient to meet operational, maintenance, and reporting requirements as specified by the commission.

(o-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.006, Health and Safety Code, is amended to read as follows:

Sec. 393.006. AMOUNT OF GRANT. (a) Grants awarded under this chapter for a facility to provide alternative fuels other than natural gas may not exceed ~~[For each eligible facility for which a recipient is awarded a grant under the program, the commission shall award the grant in an amount equal to]~~ the lesser of:

(1) 50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission ~~[to construct, reconstruct, or acquire the facility];~~ or

(2) \$600,000.

(b) Grants awarded under this chapter for a facility to provide natural gas may not exceed:

(1) \$400,000 for a compressed natural gas facility;

(2) \$400,000 for a liquefied natural gas facility; or

(3) \$600,000 for a facility providing both liquefied and compressed natural gas.

(o-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 393.007, Health and Safety Code, is amended to read as follows:

Sec. 393.007. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2018].~~

(p) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.001, Health and Safety Code, is amended by amending Subdivisions (1), (4), (5), and (8) and adding Subdivisions (1-a) and (7-a) to read as follows:

(1) "Certified" includes:

(A) new vehicle or new engine certification by the United States Environmental Protection Agency; or

(B) certification or approval by the United States Environmental Protection Agency of a system to convert a vehicle or engine to operate on an alternative fuel and a demonstration by the emissions data used to certify or approve the vehicle or engine, if the commission determines the testing used to obtain the emissions data is consistent with the testing required for approval of an alternative fuel conversion system for new and relatively new vehicles or engines under 40 C.F.R. Part 85 ~~["Advisory board" means the Texas Emissions Reduction Plan Advisory Board].~~

(1-a) "Clean transportation zone" has the meaning assigned by Section 393.001.

(4) "Heavy-duty motor vehicle" means a motor vehicle that ~~[with]~~:

(A) has a gross vehicle weight rating of more than 8,500 pounds;
and

(B) is certified to or has an engine certified to the United States Environmental Protection Agency's emissions standards for heavy-duty vehicles or engines.

(5) "Incremental cost" has the meaning assigned by Section 386.001 ~~[means the difference between the manufacturer's suggested retail price of a baseline vehicle, the documented dealer price of a baseline vehicle, cost to lease or otherwise commercially finance a baseline vehicle, cost to repower with a baseline engine, or other appropriate baseline cost established by the commission, and the actual cost of the natural gas vehicle purchase, lease, or other commercial financing, or repower].~~

(7-a) "Natural gas engine" means an engine that operates:

(A) solely on natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas; or

(B) on a combination of diesel fuel and natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas, and is capable of achieving at least 60 percent displacement of diesel fuel with natural gas.

(8) "Natural gas vehicle" means a motor vehicle that is powered by a natural gas engine ~~[receives not less than 75 percent of its power from compressed or liquefied natural gas].~~

(p-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.003(a), Health and Safety Code, is amended to read as follows:

(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the eligibility period established by the commission ~~[calendar year]~~ the entity:

(1) purchased, leased, or otherwise commercially financed the vehicle as a new on-road heavy-duty or medium-duty motor vehicle that:

(A) is a natural gas vehicle;

(B) is certified to the appropriate current federal emissions standards as determined by the commission; and

(C) replaces an on-road heavy-duty or medium-duty motor vehicle of the same weight classification and use; ~~and~~

~~[(D) is powered by an engine certified to:~~

~~[(i) emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(ii) meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light duty engines when powering the vehicle;] or~~

(2) repowered the on-road motor vehicle to a natural gas vehicle powered by a natural gas engine that:

~~[(A)]~~ is certified to the appropriate current federal emissions standards as determined by the commission; ~~and~~

~~[(B) is:~~

~~[(i) a heavy-duty engine that is certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or
 [(ii) certified to meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle].~~

(p-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.005, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (f), (g), and (i) and adding Subsection (c-1) to read as follows:

(a) The commission ~~[by rule]~~ shall establish criteria for prioritizing qualifying vehicles eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate ~~[after consultation with the advisory board]~~.

(b) To be eligible for a grant under the program:

(1) the use of the qualifying vehicle must be projected to result in a reduction in emissions of nitrogen oxides of at least 25 percent as compared to the motor vehicle or engine being replaced, based on:

(A) the baseline emission level set by the commission under Subsection (g); and

(B) the certified emission rate of the new vehicle; and

(2) the qualifying vehicle must:

(A) replace a heavy-duty or medium-duty motor vehicle that:

(i) is an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is in operating condition and has at least two years of remaining useful life, as determined in accordance with criteria established by the commission; ~~[or]~~

(B) replace a heavy-duty or medium-duty motor vehicle that:

(i) is owned by the applicant;

(ii) is an on-road vehicle that has been:

(a) owned, leased, or otherwise commercially financed and operated in Texas as a fleet vehicle for at least the two years immediately preceding the submission of a grant application; and

(b) registered in a county located in the clean transportation zone for at least the two years immediately preceding the submission of a grant application; and

(iii) otherwise satisfies the mileage, usage, and useful life requirements established under Paragraph (A) as determined by documentation associated with the vehicle; or

(C) be a heavy-duty or medium-duty motor vehicle repowered with a natural gas engine that:

(i) is installed in an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is installed in an on-road vehicle that, at the time of the vehicle's repowering, was in operating condition and had at least two years of remaining useful life, as determined in accordance with criteria established by the commission.

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, leased, or otherwise commercially financed and registered and operated in the state by the grant recipient until the earlier of the fourth anniversary of the activity start date established by the commission [~~the date of reimbursement of the grant funded expenses~~] or [~~until~~] the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission [~~of reimbursement~~]. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the clean transportation zone[-

~~(1) the counties any part of which are included in the area described by Section 394.010(a); or~~

~~(2) counties designated as nonattainment areas within the meaning of Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407)].~~

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle or engine.

(f) A heavy-duty or medium-duty motor vehicle replaced under this program must be rendered permanently inoperable by crushing the vehicle, by making a hole in the engine block and permanently destroying the frame of the vehicle, or by another method approved by the commission, or be [that] permanently removed [removes the vehicle] from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or vehicle. The commission shall enforce the destruction and removal requirements. For purposes of this subsection, "permanent removal" means the permanent export of the vehicle or engine to a destination outside of the United States, Canada, or the United Mexican States.

(g) The commission shall establish baseline emission levels for emissions of nitrogen oxides for on-road heavy-duty or medium-duty motor vehicles being replaced or repowered by using the emission certification for the engine or vehicle being replaced. The commission may consider deterioration of the emission performance of the engine of the vehicle being replaced in establishing

the baseline emission level. The commission may consider and establish baseline emission rates for additional pollutants of concern~~[, as determined by the commission~~

(i) The executive director may ~~[shall]~~ waive the requirements of Subsection (b)(2)(A)(i) or (B)(ii) on a finding of good cause, which may include short lapses in registration or operation due to economic conditions, seasonal work, or other circumstances.

(q) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.006, Health and Safety Code, is amended to read as follows:

Sec. 394.006. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the replacement or vehicle repower for which the grant is made, which may include a portion of the initial cost of the natural gas vehicle or natural gas engine, including the cost of the natural gas fuel system and installation ~~[and the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment]~~. The recipient may not use the grant to pay the recipient's administrative expenses.

(q-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.007(c), Health and Safety Code, is amended to read as follows:

(c) A person may not receive a grant under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle or vehicle repower for which the grant is awarded. A person shall return to the commission the amount of a grant awarded under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle or vehicle repower for which the grant is awarded.

(q-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Sections 394.008(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The commission shall establish ~~[adopt]~~ procedures for:

(1) awarding grants under this chapter to reimburse eligible costs; ~~[in the form of rebates; and]~~

(2) streamlining the grant application, contracting, reimbursement, and reporting process for qualifying natural gas vehicle purchases or repowers; and

(3) preapproving the award of grants to applicants who propose to purchase and replace motor vehicles described by Section 394.005(b)(2)(B).

(b) Procedures established ~~[adopted]~~ under this section must:

(1) provide for the commission to compile and regularly update a listing of potentially eligible ~~[preapproved]~~ natural gas vehicles and natural gas engines that are certified to the appropriate current federal emissions standards as determined by the commission ~~±~~

~~[(A) powered by natural gas engines certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(B) certified to the United States Environmental Protection Agency's light duty Bin 5 standard or better];~~

~~(2) [if a federal standard for the calculation of emissions reductions exists,] provide a method to calculate the reduction in emissions of nitrogen oxides, volatile organic compounds, carbon monoxide, particulate matter, and sulfur compounds for each replacement or repowering;~~

(3) assign a standardized grant ~~[rebate]~~ amount for each qualifying vehicle or engine repower under Section 394.007;

(4) allow for processing applications ~~[rebates]~~ on an ongoing first-come, first-served basis;

~~(5) [provide for contracts between the commission and participating dealers under Section 394.009;~~

~~[(6) allow grant recipients to assign their grant funds to participating dealers to offset the purchase or lease price;~~

~~[(7)] require grant applicants to identify natural gas fueling stations that are available to fuel the qualifying vehicle in the area of its use;~~

(6) ~~[(8)]~~ provide for payment not later than the 30th day after the date the request for reimbursement for an approved grant is received;

(7) ~~[(9)]~~ provide for application submission and application status checks using procedures established by the commission, which may include application submission and status checks to be made over the Internet; and

(8) ~~[(10)]~~ consolidate, simplify, and reduce the administrative work for applicants and the commission associated with grant application, contracting, reimbursement, and reporting requirements.

(r) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Section 394.012, Health and Safety Code, is amended to read as follows:

Sec. 394.012. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 [August 31, 2017].

(r-1) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 395 to read as follows:

CHAPTER 395. GOVERNMENTAL ALTERNATIVE FUEL FLEET GRANT PROGRAM

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including electricity to power fully electric motor vehicles and plug-in hybrid motor vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Incremental cost" has the meaning assigned by Section 386.001.

(4) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

(5) "Plug-in hybrid motor vehicle" has the meaning assigned by Section 2158.001, Government Code.

(6) "Political subdivision" means a county, municipality, school district, junior college district, river authority, water district or other special district, or other political subdivision created under the constitution or a statute of this state.

(7) "Program" means the governmental alternative fuel fleet grant program established under this chapter.

(8) "State agency" has the meaning assigned by Section 2151.002, Government Code, and includes the commission.

Sec. 395.002. PROGRAM. (a) The commission shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible applicant described by Section 395.003 in purchasing or leasing new motor vehicles that operate primarily on an alternative fuel.

(b) The program may provide a grant to an applicant described by Section 395.003 to:

(1) purchase or lease a new motor vehicle described by Section 395.004; or

(2) purchase, lease, or install refueling infrastructure or equipment or procure refueling services as described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1) of this subsection.

Sec. 395.003. ELIGIBLE APPLICANTS. (a) A state agency or political subdivision is eligible to apply for a grant under the program if the entity operates a fleet of more than 15 motor vehicles, excluding motor vehicles that are owned and operated by a private company or other third party under a contract with the entity.

(b) A mass transit or school transportation provider or other public entity established to provide public or school transportation services is eligible for a grant under the program.

Sec. 395.004. MOTOR VEHICLE REQUIREMENTS. (a) A grant recipient may purchase or lease with money from a grant under the program a new motor vehicle that is originally manufactured to operate using one or more alternative fuels or is converted to operate using one or more alternative fuels before the first retail sale of the vehicle, and that:

(1) has a dedicated system, dual-fuel system, or bi-fuel system; and

(2) if the motor vehicle is a fully electric motor vehicle or plug-in hybrid motor vehicle, has a United States Environmental Protection Agency rating of at least 75 miles per gallon equivalent or a 75-mile combined city and highway range.

(b) A grant recipient may not use money from a grant under the program to replace a motor vehicle, transit bus, or school bus that operates on an alternative fuel unless the replacement vehicle produces fewer emissions and has greater fuel efficiency than the vehicle being replaced.

Sec. 395.005. REFUELING INFRASTRUCTURE, EQUIPMENT, AND SERVICES. A grant recipient may purchase, lease, or install refueling infrastructure or equipment or procure refueling services with money from a grant under the program if:

(1) the purchase, lease, installation, or procurement is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004 or the conversion of a motor vehicle to operate primarily on an alternative fuel;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within five miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) for the purchase or installation of refueling infrastructure or equipment, the infrastructure or equipment will be owned and operated by the grant recipient, and for the lease of refueling infrastructure or equipment or the procurement of refueling services, a third-party service provider engaged by the grant recipient will provide the infrastructure, equipment, or services.

Sec. 395.006. ELIGIBLE COSTS. (a) A motor vehicle lease agreement paid for with money from a grant under the program must have a term of at least three years.

(b) Refueling infrastructure or equipment purchased or installed with money from a grant under the program must be used specifically to store or dispense alternative fuel, as determined by the commission.

(c) A lease of or service agreement for refueling infrastructure, equipment, or services paid for with money from a grant under the program must have a term of at least three years.

Sec. 395.007. GRANT AMOUNTS. (a) The commission may establish standardized grant amounts based on the incremental costs associated with the purchase or lease of different categories of motor vehicles, including the type of fuel used, vehicle class, and other categories the commission considers appropriate.

(b) In determining the incremental costs and setting the standardized grant amounts, the commission may consider the difference in cost between a new motor vehicle operated using conventional gasoline or diesel fuel and a new motor vehicle operated using alternative fuel.

(c) The amount of a grant for the purchase or lease of a motor vehicle may not exceed the amount of the incremental cost of the purchase or lease.

(d) The commission may establish grant amounts to reimburse the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services or may establish criteria for reimbursing a percentage of the cost.

(e) A grant under the program may be combined with funding from other sources, including other grant programs, except that a grant may not be combined with other funding or grants from the Texas emissions reduction plan. When combined with other funding sources, a grant may not exceed the total cost to the grant recipient.

(f) In providing a grant for the lease of a motor vehicle under this chapter, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required three-year lease term.

(g) In providing a grant for the lease of refueling infrastructure, equipment, or services, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required three-year lease term.

(h) Notwithstanding Subsection (d), the commission is not obligated to fund the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services if those costs cannot be incurred and reimbursed over the period of availability of the funds under applicable state law and regulation.

Sec. 395.008. AVAILABILITY OF EMISSIONS REDUCTION CREDITS.

(a) A project that is funded from a grant under the program and that would generate marketable emissions reduction credits under a state or federal emissions reduction credit averaging, banking, or trading program is not eligible for funding under the program unless:

(1) the project includes the transfer of the credits, or the reductions that would otherwise be marketable credits, to the commission and, if applicable, the state implementation plan; and

(2) the credits or reductions, as applicable, are permanently retired.

(b) An emissions reduction generated by a purchase or lease under this chapter may be used to demonstrate conformity with the state implementation plan.

Sec. 395.009. USE OF GRANT MONEY. A grant recipient when using money from a grant under the program shall prioritize:

(1) the purchase or lease of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel, when replacing vehicles or adding vehicles to the fleet;

(2) the purchase of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel, to replace vehicles that have the highest total mileage and do not use an alternative fuel; and

(3) to the extent feasible, obtaining, whether by purchase, purchase and conversion, or lease, motor vehicles that use compressed natural gas, liquefied natural gas, or liquefied petroleum gas.

Sec. 395.010. GRANT PROCEDURES AND CRITERIA. (a) The commission shall establish specific criteria and procedures in order to implement and administer the program, including the creation and provision of application forms and guidance on the application process.

(b) The commission shall award a grant through a contract between the commission and the grant recipient.

(c) The commission shall provide an online application process for the submission of all required application documents.

(d) The commission may limit funding for a particular period according to priorities established by the commission, including limiting the availability of grants to specific entities, for certain types of vehicles and infrastructure, or to certain geographic areas to ensure equitable distribution of grant funds across the state.

(e) In awarding grants under the program, the commission shall prioritize projects in the following order:

(1) projects that are proposed by a state agency;

(2) projects that are in or near a nonattainment area;

(3) projects that are in an affected county, as that term is defined by Section 386.001; and

(4) projects that will produce the greatest emissions reductions.

(f) In addition to the requirements under Subsection (e), in awarding grants under the program, the commission shall consider:

(1) the total amount of the emissions reduction that would be achieved from the project;

(2) the type and number of vehicles purchased or leased;

(3) the location of the fleet and the refueling infrastructure or equipment;

(4) the number of vehicles served and the rate at which vehicles are served by the refueling infrastructure or equipment;

(5) the amount of any matching funds committed by the applicant; and

(6) the schedule for project completion.

(g) The commission may not award more than 10 percent of the total amount awarded under the program in any fiscal year for purchasing, leasing, installing, or procuring refueling infrastructure, equipment, or services.

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan fund established under Section 386.251 to administer the program.

Sec. 395.012. ADMINISTRATIVE COSTS. In each fiscal year, the commission may use up to 1.5 percent of the total amount of money allocated to the program in that fiscal year, but not more than \$1 million, for the administrative costs of the program.

Sec. 395.013. RULES. The commission may adopt rules as necessary to implement this chapter.

Sec. 395.014. REPORT REQUIRED. On or before November 1 of each even-numbered year, the commission shall submit to the governor, lieutenant governor, and members of the legislature a report that includes the following information regarding awards made under the program during the preceding state fiscal biennium:

- (1) the number of grants awarded under the program;
- (2) the recipient of each grant awarded;
- (3) the number of vehicles replaced;
- (4) the number, type, and location of any refueling infrastructure, equipment, or services funded under the program;
- (5) the total emissions reductions achieved under the program; and
- (6) any other information the commission considers relevant.

Sec. 395.015. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037.

(r-2) Effective on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section, the following provisions of the Health and Safety Code are repealed:

- ...
- (4) Section 394.009;
 - (5) Section 394.010; and
 - (6) Section 394.011.

(s) This subsection takes effect on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section. As soon as practicable after the effective date of this subsection, the Texas Commission on Environmental Quality shall implement the online application process required by Section 395.010(c), Health and Safety Code, as added by this section. Prior to the implementation of the online application process, the commission may accept applications for a grant under Chapter 395, Health and Safety Code, as added by this section, in any manner provided by the commission.

(s-1) This subsection takes effect on the date that the Texas Emissions Reduction Plan Advisory Board is abolished under Subsection (a) of this section. The changes in law made by this section apply only to a Texas emissions reduction plan grant awarded on or after the effective date of this section. A grant awarded before the effective date of this section is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

(t) This section takes effect August 30, 2017.

Explanation: The addition of text is necessary to ensure that the Texas Commission on Environmental Quality is able to carry out the commission's duties, responsibilities, and functions in the implementation of the Texas Emissions Reduction Plan after the abolishment of the Texas Emissions Reduction Plan Advisory Board.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change, alter, or amend text which is not in disagreement in proposed SECTION 18 of the bill, the effective date provision of the bill, to read as follows:

SECTION 18. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Explanation: The change in the effective date provision is necessary to provide an exception for provisions of the bill that take effect on a date other than September 1, 2017.

HR 2614 was adopted by (Record 2044): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Villalba.

Absent — Deshotel; Dukes; Gutierrez; Lozano.

STATEMENT OF VOTE

When Record No. 2044 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

SB 1731 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 1731**.

Representative Meyer moved to adopt the conference committee report on **SB 1731**.

The motion to adopt the conference committee report on **SB 1731** prevailed by (Record 2045): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dukes; Lozano.

STATEMENT OF VOTE

When Record No. 2045 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

SB 715 - RULES SUSPENDED

Representative D. Bonnen moved to suspend all necessary rules to consider the conference committee report on **SB 715**.

The vote of the house was taken on the motion to suspend all necessary rules to consider the conference committee report on **SB 715** and the vote was announced yeas 84, nays 34.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 2046): 91 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Clardy; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Hefner; Holland; Huberty; Hunter; Isaac; Israel; Kacal; Keough; King, P.; Klick; Koop; Krause; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Moody; Morrison; Muñoz; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Sanford;

Schaefer; Schofield; Schubert; Shaheen; Sheffield; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Tinderholt; Uresti; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Davis, Y.; Dutton; Elkins; Gervin-Hawkins; Giddings; González; Gutierrez; Hernandez; Hinojosa; Howard; King, T.; Kuempel; Martinez; Miller; Minjarez; Neave; Ortega; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Shine; Thierry; Thompson, E.; Turner; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent — Canales; Capriglione; Collier; Davis, S.; Deshotel; Dukes; Farrar; Guillen; Herrero; Johnson, E.; Johnson, J.; King, K.; Lambert; Longoria; Lozano; Lucio; Nevárez; Oliveira; Phelan; Simmons; Thompson, S.; Villalba.

(Speaker pro tempore in the chair)

The chair stated that the motion to suspend all necessary rules to consider the conference committee report on **SB 715** prevailed by the above vote.

STATEMENTS OF VOTE

When Record No. 2046 was taken, I was in the house but away from my desk. I would have voted yes.

Capriglione

When Record No. 2046 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 2046 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 2046 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 2046 was taken, I was shown voting yes. I intended to vote no.

Perez

When Record No. 2046 was taken, my vote failed to register. I would have voted yes.

Simmons

SB 715 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the conference committee report on **SB 715**.

SB 715 - POINTS OF ORDER

Representative Gutierrez raised a point of order against further consideration of **SB 715** under Rule 13, Section 7 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the conference committee did not provide proper notice of the meeting and it contains more than one subject.

The chair overruled the point of order and submitted the following statement:

Rule 13, Section 7 of the House Rules states that "[h]ouse conferees when meeting with senate conferees to adjust differences shall meet in public and shall give a reasonable amount of notice of the meeting" Similarly, Rule 13, Section 6, provides: A majority of each committee shall be required to determine the matter in dispute. Reports by conference committees must be signed by a majority of each committee of the conference, but the house rules do not require that a conference committee convene in a meeting. Representative Gutierrez urges that because the bill's sponsor met with each of the other members of the conference committee, sometimes in groups as large as four or five, that Rule 13, Section 7, required notice of these "meetings" to be properly posted. Everyone agrees that no such notice was provided. More importantly, however, no one suggests that a quorum of the conference committee (which would be three or more conference committee members from the house and three or more from the senate) ever met to adjust differences on the bill. Because the conferees never actually had a meeting, they were not required to post notice. Therefore, the point of order under Rule 13, Section 7, is respectfully overruled.

Article III, Section 35 of the Texas Constitution requires bills to contain only one subject. **SB 715** is a broad municipal annexation bill. Representative Gutierrez argues that the amendment added by Representative Shine introduces an impermissible second subject into **SB 715**. Representative Shine amended an amendment by Representative Gutierrez. Both of these amendments related to municipal governance of extraterritorial jurisdictions near military bases. These amendments were adopted in the house version of the bill, but did not survive the conference committee. The conference committee report removed these sections of the bill, consistent with the senate's version of **SB 715**, so, if a second subject was impermissibly added by Representative Gutierrez and Representative Shine, that second subject was removed, such that the bill remains solely a municipal annexation bill. This point of order is also respectfully overruled.

Representative J. Rodriguez raised a point of order against further consideration of **SB 715** under Rule 13, Section 11(a) of the House Rules on the grounds that the analysis for the conference committee report is inaccurate.

The chair overruled the point of order and submitted the following statement:

Representative J. Rodriguez raised a point of order against further consideration of **SB 715** under Rule 13, Section 11(a), on the grounds that page 59 of the three-column analysis comparing the house, senate, and conference versions of the bill is inaccurate. The senate version of the portion of the report at issue had a provision entitled "Section 35" that is 13 lines long in the three-column analysis. The house column says "No equivalent provision." The conference column is left blank for that provision, since there is also no equivalent provision contained in the conference version of **SB 715**. Representative J. Rodriguez asserts that the blank conference column should instead have said "Same as House version," and that the blank space is misleading and inaccurate. The chair has reviewed the side-by-side and the House Rules and finds that the blank portion of the column adequately reflects that there is no provision in the conference version of the bill that is equivalent to the senate's Section 35. Accordingly, the point of order is respectfully overruled.

Representative E. Rodriguez raised a point of order against further consideration of **SB 715** under Rule 8, Section 10 of the House Rules on the grounds that notice of intention to apply for the passage of the bill was not properly published.

The chair overruled the point of order and submitted the following statement:

Specifically, Representative E. Rodriguez argues the amendments by Representative Workman relating to a municipality's right to annex certain municipal utility districts required notice under Article XVI, Section 59 of the Texas Constitution. Representative E. Rodriguez noted that there is no precedent on this issue. Assuming that Representative E. Rodriguez's statement that Representative Workman's amendments were local laws is true, Rule 8, Section 10, wouldn't apply because this bill did not create a water district. Publication also was not required because the sections did not (1) add additional land to the district, (2) alter the taxing authority of the district, (3) alter the authority of the district to issue bonds, or (4) alter the qualifications of terms of office of members of the governing body of the district. See Explanatory Note 4, Rule 8, Section 10. The point of order is respectfully overruled.

Representative Huberty moved to adopt the conference committee report on **SB 715**.

The motion to adopt the conference committee report on **SB 715** prevailed by (Record 2047): 85 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Ashby; Bell; Biedermann; Bohac; Bonnen, D.(C); Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cortez; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guillen; Hefner; Holland; Huberty; Hunter; Isaac; Israel; Keough; King, P.; King, T.; Klick; Koop; Krause; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Morrison; Murphy; Oliverson; Parker; Paul; Phillips; Pickett; Price; Raney; Raymond;

Rinaldi; Roberts; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Smithee; Springer; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; Uresti; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson, C.; Anderson, R.; Arévalo; Bernal; Blanco; Coleman; Collier; Cosper; Davis, Y.; Giddings; González; Guerra; Gutierrez; Hinojosa; Howard; Kacal; Kuempel; Martinez; Miller; Minjarez; Moody; Muñoz; Murr; Neave; Nevárez; Ortega; Paddie; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield; Shine; Stephenson; Turner; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent — Alonzo; Alvarado; Bailes; Canales; Davis, S.; Deshotel; Dukes; Dutton; Farrar; Hernandez; Herrero; Johnson, E.; Johnson, J.; King, K.; Lambert; Longoria; Lozano; Lucio; Oliveira; Perez; Phelan; Thierry; Thompson, S.; Villalba; Wu.

STATEMENTS OF VOTE

When Record No. 2047 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 2047 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 2047 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

When Record No. 2047 was taken, I was shown voting yes. I intended to vote no.

Meyer

When Record No. 2047 was taken, my vote failed to register. I would have voted no.

Thierry

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business:

Canales on motion of Romero.

Lucio on motion of Hernandez.

Phelan on motion of Romero.

S. Thompson on motion of Romero.

The following member was granted leave of absence for the remainder of today because of illness:

K. King on motion of Kacal.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Longoria on motion of Romero.

The following member was granted leave of absence temporarily for today because of important business:

Collier on motion of Romero.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 6 and 7).

SB 11 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Raymond, Representatives Miller, Swanson, and Wu were authorized as house sponsors to **SB 11**.

HR 2637 - ADOPTED (by Huberty)

The following privileged resolution was laid before the house:

HR 2637

BE IT RESOLVED by the House of Representatives of the State of Texas, 85th Legislature, Regular Session, 2017, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 22** (public school accountability) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 8 of the bill, in added Section 39.053(c-3), Education Code, to read as follows:

(c-3) Any standard for improvement determined by the commissioner as described by Subsection (c)(2)(A) must allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the previous and current school year.

Explanation: The addition is necessary to provide an appropriate standard for measuring student growth in performance on assessment instruments.

(2) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 10 of the bill, in amended Section 39.054(a), Education Code, by adding a sentence referencing added Section 39.0544, Education Code, to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c)

~~[Sections 39.053(e)(1)-(4)].~~ An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflect performance that needs improvement. An overall or domain performance rating of ~~[or]~~ F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, ~~[or]~~ C, or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.

Explanation: The addition is necessary to incorporate the local accountability system as a component in assigning performance ratings.

(3) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 10 of the bill, in amended Section 39.054(a-2), Education Code, by adding a reference to added Section 39.0544, Education Code, to read as follows:

(a-2) The commissioner by rule may ~~[shall]~~ adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus under Section 39.0544 and is not compensated for by a performance rating of A, B, or C in another domain.

Explanation: The addition is necessary to provide a reference to the local accountability system.

(4) House Rule 13, Sections 9(a)(2) and (4), are suspended to permit the committee to omit text that amended Section 39.0546, Education Code, relating to performance in community and student engagement as a component of district and campus rating, on a matter that is not in disagreement, and add text on a matter that is not included in either the house or senate version of the bill by repealing in SECTION 19 of the bill Section 39.0546, Education Code.

Explanation: The change is necessary to repeal Section 39.0546, Education Code, which is no longer necessary with the addition of the local accountability system.

(5) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text on a matter that is not in disagreement in proposed SECTION 14 of the bill, in added Section 39.0544, Education Code, to read as follows:

Sec. 39.0544. LOCAL ACCOUNTABILITY SYSTEM. (a) The commissioner shall adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools. The rules:

(1) must require a district or school, in assigning an overall performance rating for a campus, to incorporate:

(A) domain performance ratings assigned by the commissioner under Section 39.054; and

(B) performance ratings based on locally developed domains or sets of accountability measures;

(2) may permit a district or school to assign weights to each domain or set of accountability measures described in Subdivision (1), as determined by the district or school, provided that the domains specified in Subdivision (1)(A) must in the aggregate account for at least 50 percent of the overall performance rating;

(3) must require that each locally developed domain or set of accountability measures:

(A) contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;

(B) provide for the assignment of a letter grade of A, B, C, D, or F;
and

(C) meet standards for reliability and validity;

(4) must require that calculations for overall performance ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;

(5) must require that a district or school produce a campus score card that may be displayed on the agency's web site; and

(6) must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.

(b) The commissioner shall develop a process to approve a request by a school district or open-enrollment charter school to assign campus performance ratings in accordance with this section. Under that process, a district or school must obtain approval of a local accountability plan submitted by the district or school to the agency. A plan may be approved only if:

(1) after review, the agency determines the plan meets the minimum requirements under this section and agency rule;

(2) at the commissioner's discretion, an audit conducted by the agency verifies the calculations included in the plan; and

(3) subject to Subsection (d), a review panel appointed under Subsection (c) approves the plan.

(c) The commissioner shall appoint a review panel for purposes of Subsection (b)(3) that includes a majority of members who are superintendents or members of the board of trustees or governing body of school districts or open-enrollment charter schools with approved local accountability plans.

(d) The requirement under Subsection (b)(3) applies only after performance ratings are issued in August 2019 and only if at least 10 school districts or open-enrollment charter schools have obtained approval of locally developed accountability plans.

(e) A school district or open-enrollment charter school authorized under this section to assign campus performance ratings shall evaluate the performance of each campus as provided by this section and assign each campus a performance

rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district or school shall:

(1) report the performance ratings to the agency; and

(2) make the performance ratings available to the public as provided by commissioner rule.

Explanation: The addition is necessary to provide a method to locally assess performance of campuses by school districts and open-enrollment charter schools.

(6) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 19 of the bill by repealing Section 39.054(c), Education Code, as effective September 1, 2017.

Explanation: The addition is necessary to repeal Section 39.054(c), Education Code, which is no longer necessary under the modified performance evaluation system.

(7) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 19 of the bill by repealing Section 39.0545, Education Code.

Explanation: The addition is necessary to repeal Section 39.0545, Education Code, which is no longer necessary with the addition of the local accountability system.

(8) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill in proposed SECTION 20 of the bill to read as follows:

SECTION 20. If **HB 1500**, 85th Legislature, Regular Session, 2017, becomes law, that law has no effect.

Explanation: The addition is necessary to avoid a conflict in law.

HR 2637 was adopted by (Record 2048): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cosper; Craddock; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson;

Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Canales; Collier; King, K.; Longoria; Lucio; Phelan; Thompson, S.

Absent — Deshotel; Dukes; Giddings; Oliveira; Perez.

HB 22 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 22**:

Austin, Texas, May 27, 2017

The Honorable Dan Patrick
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 22** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

L. Taylor
Bettencourt
Hancock
Hughes
West

Huberty
Bernal
K. King
Dutton
VanDeaver

On the part of the senate

On the part of the house

HB 22, A bill to be entitled An Act relating to public school accountability.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c) [~~Sections 39.053(e)(1)-(4)~~]. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children.

SECTION 2. Section 11.253(c), Education Code, is amended to read as follows:

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the achievement indicators adopted under Section 39.053(c) [~~Sections 39.053(e)(1) (4)~~] and any other appropriate performance measures for special needs populations.

SECTION 3. Section 12.1013(c), Education Code, is amended to read as follows:

(c) The report must include the performance of each public school in each class described by Subsection (b) as measured by the achievement indicators adopted under Section 39.053(c) [~~Sections 39.053(e)(1) (4)~~] and student attrition rates.

SECTION 4. Section 29.062(a), Education Code, is amended to read as follows:

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Section 39.053(c) [~~Sections 39.053(e)(1) (4)~~], including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning students of limited English proficiency.

SECTION 5. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus assigned an unacceptable performance rating that is made publicly available under Section 39.054 for:

(1) the student achievement domain under Section 39.053(c)(1) [~~at which 50 percent or more of the students did not perform satisfactorily on an assessment instrument administered under Section 39.023(a) or (e) in any two of the preceding three years; and [or]~~

(2) the school progress domain under Section 39.053(c)(2) [~~that, at any time in the preceding three years, failed to satisfy any standard under Section 39.054(e).~~].

SECTION 6. Chapter 39, Education Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 39.001. RULES. (a) The commissioner may adopt rules as necessary to administer this chapter.

(b) In adopting a rule under this chapter, the commissioner shall solicit input statewide from persons who would likely be affected by the proposed rule, including school district boards of trustees, administrators and teachers employed by school districts, administrators and teachers employed by school districts, parents of students enrolled in school districts, and other interested stakeholders.

Sec. 39.002. ADVISORY COMMITTEE. An advisory committee appointed under this chapter is not subject to Chapter 2110, Government Code.

SECTION 7. Section 39.052(b), Education Code, is amended to read as follows:

(b) In determining the accreditation status of a school district, the commissioner:

(1) shall evaluate and consider:

(A) performance on achievement indicators described by Section 39.053 [39.053(e)]; and

(B) performance under the financial accountability rating system developed under Subchapter D; and

(2) may evaluate and consider:

(A) the district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education under specific statutory authority that relate to:

(i) reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(ii) the high school graduation requirements under Section 28.025; or

(iii) an item listed under Sections 7.056(e)(3)(C)-(I) that applies to the district;

(B) the effectiveness of the district's programs for special populations; and

(C) the effectiveness of the district's career and technology program.

SECTION 8. Section 39.053, Education Code, is amended by amending Subsections (a), (a-1), (b), (c), (d-1), (f), (g), (g-1), (g-2), and (i) and adding Subsections (c-3) and (e) to read as follows:

(a) The commissioner shall adopt a set of indicators of the quality of learning and achievement, including the indicators in under Subsection (c). The commissioner periodically [~~biennially~~] shall review the indicators for the consideration of appropriate revisions.

(a-1) The indicators adopted by the commissioner under Subsection (a)[~~including the indicators identified under Subsection (c)~~] must measure and evaluate school districts and campuses with respect to:

(1) improving student preparedness for success in:

(A) subsequent grade levels; and

(B) entering the workforce, the military, or postsecondary education;

(2) reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and

(3) informing parents and the community regarding campus and district performance ~~[in the domains described by Subsection (e) and, for the domain described by Subsection (e)(5), in accordance with local priorities and preferences]~~.

(b) Performance on the achievement indicators adopted under Subsection (c) ~~[Subsections (e)(1)–(4)]~~ shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status.

(c) School districts and campuses must be evaluated based on three ~~[five]~~ domains of indicators of achievement adopted under this section that include:

(1) in the student achievement ~~[first]~~ domain, indicators of student achievement that must include ~~[the results of]~~:

(A) for evaluating the performance of districts and campuses generally:

(i) an indicator that accounts for the results of assessment instruments required under Sections 39.023(a), (c), and (l), as applicable for the district and campus, including the results of assessment instruments required for graduation retaken by a student, aggregated across grade levels by subject area, including:

(a) ~~[(+)]~~ for the performance standard determined by the commissioner under Section 39.0241(a), the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; and

(b) ~~[(+)]~~ for the college readiness performance standard as determined under Section 39.0241, the percentage of students who performed satisfactorily on the assessment instruments, aggregated across grade levels by subject area; ~~and~~

(ii) ~~[(B)]~~ an indicator that accounts for the results of assessment instruments required under Section 39.023(b), as applicable for the district and campus, ~~[aggregated across grade levels by subject area,]~~ including the percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area; and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for:

(i) students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(c);

(ii) students who satisfy relevant performance standards on advanced placement tests or similar assessments;

(iii) students who earn dual course credits in the dual credit courses;

(iv) students who enlist in the armed forces of the United States;

(v) students who earn industry certifications;
(vi) students admitted into postsecondary industry certification programs that require as a prerequisite for entrance successful performance at the secondary level;

(vii) students whose successful completion of a course or courses under Section 28.014 indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(viii) students who successfully met standards on a composite of indicators that through research indicates the student's preparation to enroll and succeed, without remediation, in an entry-level general education course for a baccalaureate degree or associate degree;

(ix) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.) subject to the exclusions provided by Subsections (g), (g-1), (g-2), and (g-3);

(x) students who successfully completed an OnRamps dual enrollment course; and

(xi) students who are awarded an associate's degree;

(2) in the school progress [second] domain, indicators for effectiveness in promoting student learning, which must include:

(A) for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii) [under Subdivision (1)(A):

[i) for the performance standard determined by the commissioner under Section 39.0241(a)], the percentage of students who met the standard for [annual] improvement [on the assessment instruments], as determined by the commissioner [by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area; and

[ii) for the college readiness performance standard as determined under Section 39.0241, the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area]; and

(B) for evaluating relative performance, the performance of districts and campuses compared to similar districts or campuses [for assessment instruments under Subdivision (1)(B), the percentage of students who met the standard for annual improvement on the assessment instruments, as determined by the commissioner by rule or by the method for measuring annual improvement under Section 39.034, aggregated across grade levels by subject area;

(3) in the third domain, the student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds;

[(4) in the fourth domain:

[(A) for evaluating the performance of high school campuses and districts that include high school campuses;

~~[(i) dropout rates, including dropout rates and district completion rates for grade levels 9 through 12, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education;~~

~~[(ii) high school graduation rates, computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);~~

~~[(iii) the percentage of students who successfully completed the curriculum requirements for the distinguished level of achievement under the foundation high school program;~~

~~[(iv) the percentage of students who successfully completed the curriculum requirements for an endorsement under Section 28.025(e 1);~~

~~[(v) the percentage of students who completed a coherent sequence of career and technical courses;~~

~~[(vi) the percentage of students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.3062(f) on an assessment instrument in reading, writing, or mathematics designated by the Texas Higher Education Coordinating Board under Section 51.3062(e);~~

~~[(vii) the percentage of students who earn at least 12 hours of postsecondary credit required for the foundation high school program under Section 28.025 or to earn an endorsement under Section 28.025(e 1);~~

~~[(viii) the percentage of students who have completed an advanced placement course;~~

~~[(ix) the percentage of students who enlist in the armed forces of the United States; and~~

~~[(x) the percentage of students who earn an industry certification;~~

~~[(B) for evaluating the performance of middle and junior high school and elementary school campuses and districts that include those campuses:~~

~~[(i) student attendance; and~~

~~[(ii) for middle and junior high school campuses:~~

~~[(a) dropout rates, computed in the manner described by Paragraph (A)(i); and~~

~~[(b) the percentage of students in grades seven and eight who receive instruction in preparing for high school, college, and a career that includes information regarding the creation of a high school personal graduation plan under Section 28.02121, the distinguished level of achievement described by Section 28.025(b 15), each endorsement described by Section 28.025(e 1), college readiness standards, and potential career choices and the education needed to enter those careers; and~~

~~[(C) any additional indicators of student achievement not associated with performance on standardized assessment instruments determined appropriate for consideration by the commissioner in consultation with educators, parents, business and industry representatives, and employers]; and~~

(3) ~~(5)~~ in the closing the gaps ~~[fifth]~~ domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:

(A) students formerly receiving special education services;

(B) student continuously enrolled; and

(C) students who are mobile ~~[three programs or specific categories of performance related to community and student engagement locally selected and evaluated as provided by Section 39.0546].~~

(c-3) Any standard for improvement determined by the commissioner as described by Subsection (c)(2)(A) must allow for appropriately crediting a student for growth if the student performs at the highest achievement standard in the previous and current school year.

(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1)(A)(i) ~~[Subsection (c)(1)],~~ the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

(e) For purposes of Subsection (c)(3)(A), a student formerly receiving special education services means student whose enrollment information:

(1) for the preceding school year, as reported through the Public Education Information Management System (PEIMS), indicates the student was enrolled at the campus and was participating in a special education program; and

(2) for the current school year, as reported through the Public Education Information Management System (PEIMS) and as reported on assessment instruments administered to the student under Section 39.023, indicates the student is enrolled at the campus and is not participating in a special education program.

(f) Annually, the commissioner shall define the state standard for the current school year for each achievement indicator adopted under this section. In consultation with educators, parents, and business and industry representatives, as necessary, the commissioner shall establish and modify standards to continuously improve student performance to achieve the goals of eliminating achievement gaps based on race, ethnicity, and socioeconomic status and to ensure this state is a national leader in preparing students for postsecondary success ~~[described by Subsections (c)(1) (4) and shall project the state standards for each indicator for the following two school years. The commissioner shall periodically raise the state standards for the college readiness achievement indicator described by Subsection (c)(1)(A)(ii) for accreditation as necessary to reach the goals of achieving, by not later than the 2019-2020 school year:~~

[1) student performance in this state, disaggregated by race, ethnicity, and socioeconomic status, that ranks nationally in the top 10 states in terms of college readiness; and

[2) student performance with no significant achievement gaps by race, ethnicity, and socioeconomic status].

(g) In computing ~~[defining the required state standard for the]~~ dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) ~~[rate indicator described by Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner may not consider as a dropout a student whose failure to attend school results from:

- (1) the student's expulsion under Section 37.007; and
- (2) as applicable:

(A) adjudication as having engaged in delinquent conduct or conduct indicating a need for supervision, as defined by Section 51.03, Family Code; or

(B) conviction of and sentencing for an offense under the Penal Code.

(g-1) In computing dropout and completion rates such as a high school graduation rate under Subsection (c)(1)(B)(ix) ~~[Subsections (c)(4)(A)(i) and (B)(ii)(a)]~~, the commissioner shall exclude:

(1) students who are ordered by a court to attend a high school equivalency certificate program but who have not yet earned a high school equivalency certificate;

(2) students who were previously reported to the state as dropouts, including a student who is reported as a dropout, reenrolls, and drops out again, regardless of the number of times of reenrollment and dropping out;

(3) students in attendance who are not in membership for purposes of average daily attendance;

(4) students whose initial enrollment in a school in the United States in grades 7 through 12 was as an unschooled asylee ~~[refugees]~~ or refugee ~~[asylees]~~ as defined by Section 39.027(a-1);

(5) students who are in the district exclusively as a function of having been detained at a county detention facility but are otherwise not students of the district in which the facility is located; and

(6) students who are incarcerated in state jails and federal penitentiaries as adults and as persons certified to stand trial as adults.

(g-2) In computing completion rates such as a high school graduation rate under Subsection (c)(1)(B)(ix) ~~[(c)(2)]~~, the commissioner shall exclude students who:

(1) are at least 18 years of age as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission and have satisfied the credit requirements for high school graduation;

(2) have not completed their individualized education program under 19 T.A.C. Section 89.1070(b)(2) and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(3) are enrolled and receiving individualized education program services.

(i) Each school district shall submit the data required for the indicators adopted under this section to the ~~[The]~~ commissioner ~~[by rule shall adopt accountability measures to be used in assessing the progress of students who have~~

~~failed to perform satisfactorily as determined by the commissioner under Section 39.0241(a) or under the college readiness standard as determined under Section 39.0241 in the preceding school year on an assessment instrument required under Section 39.023(a), (c), or (d)].~~

SECTION 9. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0533 to read as follows:

Sec. 39.0533. EXTRACURRICULAR AND COCURRICULAR STUDENT ACTIVITY INDICATOR. (a) The commissioner shall study the feasibility of incorporating for evaluating school district and campus performance under this subchapter an indicator that accounts for extracurricular and cocurricular student activity. If the commissioner determines that an extracurricular and cocurricular student activity indicator is appropriate, the commissioner may adopt the indicator.

(b) To determine the feasibility of adopting an indicator under this section, the commissioner may require a school district or campus to report requested information relating to extracurricular and cocurricular student activity.

(c) The commissioner may establish an advisory committee to assist in determining the feasibility of incorporating an extracurricular and cocurricular student activity indicator for evaluating school district and campus performance.

(d) Not later than December 1, 2022, the commissioner shall report to the legislature on the feasibility of incorporating an extracurricular and cocurricular student activity indicator, unless the commissioner adopts an indicator under this section before that date.

(e) This section expires September 1, 2023.

SECTION 10. Sections 39.054(a), (a-1), (a-2), (a-3), and (e), Education Code, as effective on September 1, 2017, are amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c) [Sections 39.053(e)(1) (4)]. An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflect performance that needs improvement. An overall or domain performance rating of ~~[or]~~ F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable

performance includes an overall or domain performance rating of A, B, ~~C~~ C₂ or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.

(a-1) For purposes of assigning an overall performance rating for a district or campus under Subsection (a), the commissioner shall:

(1) consider either the district's or campus's performance rating under the student achievement domain under Section 39.053(c)(1) or the school progress domain under Section 39.053(c)(2), whichever performance rating is higher, unless the district or campus received a performance rating of F in either domain, in which case the district or campus may not be assigned a performance rating higher than a B for the composite for the two domains; and

(2) attribute not less than 30 percent of the performance rating to the closing the gaps domain under Section 39.053(c)(3) [an overall performance rating under Subsection (a), the commissioner shall attribute:

[1] 55 percent of the performance evaluation to the achievement indicators for the first, second, and third domains under Sections 39.053(e)(1)-(3);

[2] for middle and junior high school and elementary campuses and districts that include only those campuses, 35 percent of the performance evaluation to the applicable achievement indicators for the fourth domain under Section 39.053(e)(4);

[3] for high school campuses and districts that include those campuses:

[(A) 10 percent of the performance evaluation to the high school graduation rate achievement indicator described by Section 39.053(e)(4)(A)(ii); and

[(B) 25 percent to the remaining applicable achievement indicators for the fourth domain under Section 39.053(e)(4); and

[4] 10 percent of the performance evaluation to the locally selected and evaluated achievement indicators provided for under the fifth domain under Section 39.053(e)(5)].

(a-2) The commissioner by rule may ~~shall~~ adopt procedures to ensure that a repeated performance rating of D or F or unacceptable in one domain, particularly performance that is not significantly improving, is reflected in the overall performance rating of a district or campus under Section 39.0544 and is not compensated for by a performance rating of A, B, or C in another domain.

(a-3) Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted under this section. [If a district or campus received an overall or domain performance rating of D or F for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.]

(e) Each annual performance review under this section shall include an analysis of the achievement indicators adopted under Section 39.053, including Subsection (c) of that section, [Sections 39.053(e)(1)-(4)] to determine school district and campus performance in relation to standards established for each indicator.

SECTION 11. Section 39.054, Education Code, is amended by adding Subsections (a-4) and (b) to read as follows:

(a-4) For performance ratings issued in August 2018 for the 2017-2018 school year for campus performance, the commissioner shall issue only a rating of improvement required or met standard, as applicable, to a campus. This subsection expires January 1, 2019.

(b) For purposes of assigning school districts and campuses an overall and a domain performance rating under Subsection (a), the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

SECTION 12. Section 39.054(f), Education Code, as effective September 1, 2017, is transferred to Section 39.053, Education Code, redesignated as Section 39.053(g-3), Education Code, and amended to read as follows:

(g-3) [(#)] In the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix) [Sections 39.053(c)(4)(A)(i) and (B)(ii)(a)], a student who is released from a juvenile pre-adjudication secure detention facility or juvenile post-adjudication secure correctional facility and fails to enroll in school or a student who leaves a residential treatment center after receiving treatment for fewer than 85 days and fails to enroll in school may not be considered to have dropped out from the school district or campus serving the facility or center unless that district or campus is the one to which the student is regularly assigned. The agency may not limit an appeal relating to dropout computations under this subsection.

SECTION 13. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0541 to read as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The commissioner may adopt indicators and standards under this subchapter at any time during a school year before the evaluation of a school district or campus.

SECTION 14. Subchapter C, Chapter 39, Education Code, is amended by adding Sections 39.0542 and 39.0544 to read as follows:

Sec. 39.0542. EXPLANATORY MATERIALS FOR ACCOUNTABILITY RATING SYSTEM. (a) Each school year, the commissioner shall provide each school district a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.

(b) The document provided under Subsection (a) must be provided in a format that a school district is able to easily distribute to parents of students enrolled in the district and other interested members of the public.

(c) The commissioner, in collaboration with interested stakeholders, shall develop standardized language for each domain that does not exceed 250 words and that clearly describes the annual status of a district and campus relating to district and campus performance on the indicators used for that domain to determine the letter performance rating assigned to a district and campus.

Sec. 39.0544. LOCAL ACCOUNTABILITY SYSTEM. (a) The commissioner shall adopt rules regarding the assignment of campus performance ratings by school districts and open-enrollment charter schools. The rules:

(1) must require a district or school, in assigning an overall performance rating for a campus, to incorporate:

(A) domain performance ratings assigned by the commissioner under Section 39.054; and

(B) performance ratings based on locally developed domains or sets of accountability measures;

(2) may permit a district or school to assign weights to each domain or set of accountability measures described in Subdivision (1), as determined by the district or school, provided that the domains specified in Subdivision (1)(A) must in the aggregate account for at least 50 percent of the overall performance rating;

(3) must require that each locally developed domain or set of accountability measures:

(A) contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels;

(B) provide for the assignment of a letter grade of A, B, C, D, or F;
and

(C) meet standards for reliability and validity;

(4) must require that calculations for overall performance ratings and each locally developed domain or set of accountability measures be capable of being audited by a third party;

(5) must require that a district or school produce a campus score card that may be displayed on the agency's web site; and

(6) must require that a district or school develop and make available to the public an explanation of the methodology used to assign performance ratings under this section.

(b) The commissioner shall develop a process to approve a request by a school district or open-enrollment charter school to assign campus performance ratings in accordance with this section. Under that process, a district or school must obtain approval of a local accountability plan submitted by the district or school to the agency. A plan may be approved only if:

(1) after review, the agency determines the plan meets the minimum requirements under this section and agency rule;

(2) at the commissioner's discretion, an audit conducted by the agency verifies the calculations included in the plan; and

(3) subject to Subsection (d), a review panel appointed under Subsection (c) approves the plan.

(c) The commissioner shall appoint a review panel for purposes of Subsection (b)(3) that includes a majority of members who are superintendents or members of the board of trustees or governing body of school districts or open-enrollment charter schools with approved local accountability plans.

(d) The requirement under Subsection (b)(3) applies only after performance ratings are issued in August 2019 and only if at least 10 school districts or open-enrollment charter schools have obtained approval of locally developed accountability plans.

(e) A school district or open-enrollment charter school authorized under this section to assign campus performance ratings shall evaluate the performance of each campus as provided by this section and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district or school shall:

(1) report the performance ratings to the agency; and

(2) make the performance ratings available to the public as provided by commissioner rule.

SECTION 15. Sections 39.0548(b), (c), and (d), Education Code, are amended to read as follows:

(b) Notwithstanding Section 39.053(c)(1)(B)(ix) [~~39.053(e)(4)(A)(i)~~], the commissioner shall use the alternative completion rate under this subsection to determine the graduation [~~dropout~~] rate indicator under Section 39.053(c)(1)(B)(ix) [~~39.053(e)(4)(A)(i)~~] for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(1)(B)(ix) [~~39.053(e)(4)(A)(i)~~], in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(d) Notwithstanding Section 39.053(c), for purposes of evaluating a dropout recovery school under the accountability procedures adopted by the commissioner to determine the performance rating of the school under Section 39.054, ~~[-~~

~~(1) only the best result from the primary administration or any retake of an assessment instrument administered to a student in the school year evaluated may be considered; and~~

~~(2) only a student enrolled continuously for at least 90 days during the school year evaluated may be considered.~~

SECTION 16. Section 39.055, Education Code, is amended to read as follows:

Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of this code except to the extent otherwise provided under Section 39.053(g-3) [~~39.054(f)~~], for purposes of determining the performance of a school district, campus, or open-enrollment charter school under this chapter, a student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any

other governmental entity or any student who is receiving treatment in a residential facility is not considered to be a student of the school district in which the program or facility is physically located or of an open-enrollment charter school, as applicable. The performance of such a student on an assessment instrument or other achievement indicator adopted under Section 39.053 or reporting indicator adopted under Section 39.301 shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located or an open-enrollment charter school, as applicable.

SECTION 17. Subchapter E, Chapter 39, Education Code, is amended by adding Section 39.101 to read as follows:

Sec. 39.101. NEEDS IMPROVEMENT RATING. (a) Notwithstanding any other law, if a school district or campus is assigned an overall or domain performance rating of D:

(1) the commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board of trustees of the district; and

(2) the interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to the district or campus only as provided by this section.

(b) The interventions and sanctions provided by this subchapter based on failure to satisfy performance standards under Section 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan under Subsection (a) only if the district or campus is assigned:

(1) an overall or domain performance rating of F; or

(2) an overall performance rating of D as provided by Subsection (c).

(c) If a school district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan under Subsection (a), the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

(d) The commissioner shall adopt rules as necessary to implement this section.

SECTION 18. Section 39.301(b), Education Code, is amended to read as follows:

(b) Performance on the indicators adopted under this section shall be evaluated in the same manner provided for evaluation of the achievement indicators under Section 39.053(c) [~~Sections 39.053(e)(1)-(4)~~].

SECTION 19. The following provisions of the Education Code are repealed:

(1) Section 39.054(c), as effective September 1, 2017; and

(2) Sections 39.0545 and 39.0546.

SECTION 20. If **HB 1500**, 85th Legislature, Regular Session, 2017, becomes law, that law has no effect.

SECTION 21. Not later than January 1, 2019, the commissioner of education shall submit a report to the standing committees of the legislature having primary jurisdiction over primary and secondary education that provides for a preliminary evaluation of campuses under Section 39.054, Education Code, as amended by this Act. The report must include:

(1) the overall and domain performance rating each campus would have received under Section 39.054, Education Code, as amended by this Act, for the 2017-2018 school year if the indicators adopted by the commissioner of education under Section 39.053, Education Code, as amended by this Act, existed during the 2017-2018 school year; and

(2) the correlation between each designated letter performance rating the campus would have received and the percentage of students at each campus:

(A) qualifying for the free or reduced-price breakfast under the national school breakfast programs provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773);

(B) that are students of limited English proficiency as defined by Section 29.052, Education Code; and

(C) disaggregated by race, ethnicity, and socioeconomic status used to assign ratings in the system.

SECTION 21. This Act applies beginning with the 2017-2018 school year.

SECTION 22. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HB 22 - REMARKS

REPRESENTATIVE HUBERTY: I'm going to lay this out briefly, but I'm going to—and I know Representative Giddings probably has some questions—but Representatives Bernal and VanDeaver did a tremendous amount of work in the last day or two in working collaboratively on this, and so here's what I'd like to say. **HB 22** corrects some of the unintended consequences that came after the passage of **HB 2804** last session that created our system. We worked with the various stakeholders, TEA, and various members to find the middle ground. So under the conference committee report, districts will be evaluated using the state A to F system, which we have three domains—student achievement, student progress, and closing the gaps.

And so at this time I'm going to yield to Representative Bernal, who worked very hard on some language that we were concerned about. Representative Giddings, you have some questions, I know, but I believe that Representative Bernal would be more appropriate to answer them. He was intimately involved in a lot of the language. I know you're going to ask about **HB 1500** and some of the other things. And members, just so you know, there were a lot of bills filed to fix the system that we currently have in place that had five domains. This new bill has three. So many of those bills are not applicable anymore, so that's what some of the language is. At this time, Mr. Speaker, I'd like to yield the microphone to Mr. Bernal.

REPRESENTATIVE BERNAL: Before we begin, if any of you have been in any contact with your school districts during the interim, you will know that the implementation of A through F did not go well. You know that most of the schools in your districts were not happy with the implementation. Not because it was inaccurate, but because it did not account for the efforts of those schools. So you could have a school that was doing really well and the students were performing and scoring well, and yet somehow, those schools ended up with F's, D's, and C's. And so what this fix does is reward those schools for that progress, reward those schools for the work they're doing, and at the same time put their failures front and center and also make sure they're focusing on every kid in every subgroup and every demographic so no one gets swept under the rug, and no one's challenges can get hidden by the average of the school of the students that they have that are doing well. And Representative Giddings, I'll do my very best to answer your questions.

REPRESENTATIVE GIDDINGS: Representative Bernal, when **HB 22** left this house, the school districts in my area were very, very pleased with it. Since then, they have contacted me and said they have reservations. As a matter of fact, they've asked me and others from Dallas to vote no. I think they've contacted other members as well.

BERNAL: And I've been in contact with them as well, ma'am.

GIDDINGS: Okay. The concern that they have primarily is the fact that there was turnaround language included in the house version of this bill, as well as in a bill that I authored, and I think also in another house bill as well. That language is no longer contained in this bill. They like the domain and that kind of thing that's contained in this bill, but their concern is that the language required that they get a written approval from the TEA in terms of whether or not their turnaround plans were approved, and that is not in this bill. That gives them great concern.

BERNAL: So let me do my best to address that, and I can do that in two ways. First, Representative Gooden passed **HB 2263**, which addresses wholesale their concerns about the content of a turnaround plan and the timeliness by which they receive it and the window of time they have to respond to it. So we've heard this concern, and we believe **HB 2263** deals with it wholesale. That being said, beyond that, what this bill does that the last version did not and the current version that's in law does not is it allows TEA to distinguish between the D campuses and districts and F campuses and districts. And so if you're a D, the first year you've got to submit a plan to your school board. If you get a D again in any one of the three domains—first D you get, you send it off to your board; second D you get, you send to TEA; third D you get, there's intervention. If you're an F, there's an intervention right away. So that piece plus **HB 2263** allays those fears and should address them directly.

GIDDINGS: And so somewhere in all of these three bills that we're talking about, the ISDs are given 60 days to turn in amended turnaround plans. Because in the other bill, they would be told by June 15 in writing. And if there was a problem and they were notified, they were given 60 days to turn in an amended turnaround plan. Is that still the case?

BERNAL: So the issue then was that they were getting responses to the turnaround plans in the middle of the school year, which didn't make any sense for them. Now, because of Representative Gooden's bill, what'll happen is that they will get a response to their turnaround plan before the beginning of the school year so they can implement it during the course of that school year. That's what his bill does.

GIDDINGS: So how does the June 15 date play, or does it play?

BERNAL: The issue was that even though there was a date, it wasn't being adhered to. And Representative Gooden's bill makes sure there is a date certain by which the school districts get the response from TEA so they can implement the turnaround plan that they have submitted and was approved.

GIDDINGS: Well, for the record and to ensure legislative intent—because I've had all the districts in my area say vote no on this—I want to be sure we establish here that we are firmly supporting that the commissioner is to notify these districts in writing in some of these bills regarding their turnaround plans.

BERNAL: Absolutely.

GIDDINGS: And while we have passed several bills out of this house, we don't know which will get to the governor's desk last. And as I understand it—

BERNAL: Well, I will tell you that **HB 1500** and this one—because this one would be passed last and this one has the three domains, it would trump that. But it doesn't interfere in any way with the effectiveness of Representative Gooden's bill, which is **HB 2263**. They will not negate each other.

GIDDINGS: Okay, it's just my understanding that it's whatever bill gets to the governor's desk last is the one that reigns.

BERNAL: If they conflict, but what I'm saying is that Representative Gooden's bill does not conflict. It stands on its own and should govern all of this in that regard.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Giddings moved to print remarks by Representative Huberty and between Representative Bernal and Representative Giddings.

The motion prevailed.

HB 22 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GOODEN: You mentioned my bill that we passed, **HB 2263**. It is your intent and our committee's intent to encourage the governor to sign that and for us to follow that law, correct?

REPRESENTATIVE BERNAL: Absolutely, 100 percent.

REMARKS ORDERED PRINTED

Representative Gooden moved to print remarks between Representative Bernal and Representative Gooden.

The motion prevailed.

(Collier now present)

Representative Huberty moved to adopt the conference committee report on **HB 22**.

The motion to adopt the conference committee report on **HB 22** prevailed by (Record 2049): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; King, K.; Longoria; Lucio; Phelan; Thompson, S.

Absent — Deshotel; Dukes; Oliveira.

HCR 159 - ADOPTED
(by Neave)

The following privileged resolution was laid before the house:

HCR 159

WHEREAS, **HB 4102** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 85th Legislature of the State of Texas, That the enrolling clerk of the house be instructed to make the following corrections in the section of the bill added by Senate Floor Amendment No. 1 by West:

(1) On page 1, line 5 of the amendment, strike "502.414" and substitute "502.415".

(2) On page 1, line 6 of the amendment, strike "502.414" and substitute "502.415".

HCR 159 was adopted by (Record 2050): 126 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Capriglione; Clardy; Coleman; Collier; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dutton; Elkins; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Anderson, R.; Biedermann; Cain; Faircloth; Goldman; Lang; Rinaldi; Stickland; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; King, K.; Longoria; Lucio; Phelan; Thompson, S.

Absent — Bell; Cook; Deshotel; Dukes; Oliveira; Phillips.

STATEMENTS OF VOTE

When Record No. 2050 was taken, I was shown voting no. I intended to vote yes.

R. Anderson

When Record No. 2050 was taken, I was shown voting no. I intended to vote yes.

Faircloth

When Record No. 2050 was taken, I was shown voting no. I intended to vote yes.

Goldman

When Record No. 2050 was taken, my vote failed to register. I would have voted yes.

Phillips

**HB 931 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Miller called up with senate amendments for consideration at this time,

HB 931, A bill to be entitled An Act relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.

Representative Miller moved to discharge the conferees and concur in the senate amendments to **HB 931**.

The motion to discharge the conferees and concur in the senate amendments to **HB 931** prevailed by (Record 2051): 83 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Capriglione; Clardy; Cospere; Craddick; Cyrier; Dale; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Guillen; Hefner; Holland; Huberty; Isaac; Kacal; Keough; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Miller; Morrison; Murphy; Murr; Oliverson; Parker; Paul; Price; Raymond; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Anchia; Arévalo; Bernal; Blanco; Button; Coleman; Collier; Cook; Cortez; Darby; Davis, Y.; Dutton; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Gutierrez; Hinojosa; Howard; Hunter; Johnson, E.; King, T.; Martinez; Meyer; Minjarez; Moody; Muñoz; Neave; Nevárez; Ortega; Paddie; Phillips; Pickett; Raney; Reynolds; Rodriguez, E.; Romero; Rose; Sheffield; Thierry; Turner; Uresti; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; King, K.; Longoria; Lucio; Phelan; Thompson, S.

Absent — Alonzo; Alvarado; Deshotel; Dukes; Farrar; Hernandez; Herrero; Israel; Johnson, J.; Oliveira; Perez; Rodriguez, J.; Villalba; Wu.

STATEMENTS OF VOTE

When Record No. 2051 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 2051 was taken, I was shown voting no. I intended to vote yes.

Button

When Record No. 2051 was taken, I was shown voting no. I intended to vote yes.

Hunter

When Record No. 2051 was taken, I was shown voting no. I intended to vote yes.

Phillips

When Record No. 2051 was taken, I was shown voting no. I intended to vote yes.

Raney

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 931** (senate committee report) as follows:

- (1) Strike SECTION 1 of the bill (page 1, lines 23-33).
- (2) Strike SECTION 3 of the bill (page 1, lines 39-59).
- (3) In SECTION 5 of the bill (page 2, line 1), strike "(a)".
- (4) In SECTION 5 of the bill, strike Subsection (b) (page 2, lines 7-10).
- (5) Renumber SECTIONS of the bill appropriately.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 8).

PROVIDING FOR ADJOURNMENT

At 11 p.m., Representatives T. King and Alonzo moved that, at the conclusion of the receipt of messages from the senate and administrative duties, the house adjourn until 10 a.m. tomorrow in memory of Ronald Richard Butts of Lubbock, Alvin Clement Michalik of Rhineland, and Bobbie Sue Holbrook of Dallas.

The motion prevailed.

(White in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:51 a.m. Monday, May 29, adjourned until 10 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 35

HB 13, HB 91, HB 104, HB 210, HB 214, HB 281, HB 284, HB 297, HB 298, HB 332, HB 338, HB 351, HB 357, HB 441, HB 478, HB 865, HB 1208, HB 1426, HB 1481, HB 1503, HB 1556, HB 1735, HB 1764, HB 2039, HB 2339, HB 2443, HB 2466, HB 2529, HB 2542, HB 2546, HB 2557, HB 2619, HB 2646, HB 2662, HB 2663, HB 2675, HB 2687, HB 2725, HB 2729, HB 2738, HB 2739, HB 2765, HB 2776, HB 2790, HB 2792, HB 2803, HB 2804, HB 2812, HB 2818, HB 2837, HB 2856, HB 2880, HB 2881, HB 2886, HB 2888, HB 2904, HB 2931, HB 2949, HB 2985, HB 2987, HB 3045, HB 3103, HB 3136, HB 3147, HB 3223, HB 3243, HB 3272, HB 3632, HB 4007, HB 4034, HB 4280, HB 4281, HB 4283, HB 4285, HB 4287, HB 4289, HB 4291, HB 4292, HB 4297, HB 4298, HB 4301, HB 4309, HB 4315, HB 4320, HB 4321, HB 4324, HCR 27, HCR 49, HCR 70, HCR 72, HCR 83, HCR 86, HCR 102

House List No. 36

HB 2, HB 4, HB 61, HB 240, HB 451, HB 462, HB 674, HB 822, HB 919, HB 1066, HB 1111, HB 1166, HB 1238, HB 1342, HB 1470, HB 1480, HB 1543, HB 1593, HB 1657, HB 1698, HB 1716, HB 1727, HB 1730, HB 1905, HB 1935, HB 1989, HB 1990, HB 2009, HB 2082, HB 2111, HB 2182, HB 2214, HB 2275, HB 2306, HB 2319, HB 2323, HB 2386, HB 2410, HB 2463, HB 2486, HB 2819, HB 2938, HB 3003, HB 3025, HB 3069, HB 3075, HB 3087, HB 3254, HB 3281, HB 3296, HB 3567, HB 3576, HB 3593, HB 3654, HB 3726, HB 3727, HB 3781, HB 3783, HB 3872, HB 3934, HB 3964, HB 3992, HB 4104, HB 4114, HB 4270, HB 4272, HB 4275, HB 4277, HB 4331, HCR 130, HCR 132, HCR 138, HCR 145

Senate List No. 28

SB 40, SB 43, SB 49, SB 55, SB 79, SB 82, SB 239, SB 263, SB 323, SB 343, SB 344, SB 364, SB 365, SB 402, SB 413, SB 436, SB 591, SB 631, SB 745, SB 748, SB 751, SB 865, SB 942, SB 1118, SB 1214, SB 1249, SB 1261, SB 1400, SB 1440, SB 1526, SB 1693, SB 1799, SB 1843, SB 1936, SB 1968, SB 1969, SB 2262, SB 2273, SB 2277

Senate List No. 29

SB 36, SB 39, SB 81, SB 190, SB 213, SB 292, SB 317, SB 341, SB 371, SB 537, SB 544, SB 593, SB 721, SB 725, SB 731, SB 738, SB 905, SB 914, SB 920, SB 924, SB 1015, SB 1095, SB 1098, SB 1232, SB 1286, SB 1314, SB 1345, SB 1489, SB 1764, SB 2056, SB 2075, SB 2186, SB 2252, SB 2253, SB 2263, SB 2274, SB 2284, SB 2285, SB 2287, SB 2290, SB 2292, SB 2295, SB 2296, SB 2297, SB 2298, SB 2299, SCR 37, SCR 41, SCR 51

SB 312 (31 Yeas, 0 Nays)
SB 813 (27 Yeas, 4 Nays)
SB 1289 (23 Yeas, 7 Nays, 1 Present, not voting)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Sunday, May 28, 2017 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 29 (30 Yeas, 0 Nays)
HB 501 (30 Yeas, 0 Nays)
HB 555 (24 Yeas, 6 Nays)
HB 810 (30 Yeas, 0 Nays)
HB 1521 (30 Yeas, 0 Nays)
HB 1553 (30 Yeas, 0 Nays)
HB 1823 (29 Yeas, 1 Nay)
HB 2101 (28 Yeas, 1 Nay, 1 Present, not voting)
HB 2377 (30 Yeas, 0 Nays)
HB 2639 (30 Yeas, 0 Nays)
HB 2912 (29 Yeas, 1 Nay)
HB 2994 (30 Yeas, 0 Nays)
HB 3270 (30 Yeas, 0 Nays)
HB 3292 (30 Yeas, 0 Nays)
HB 3879 (28 Yeas, 2 Nays)
SB 277 (19 Yeas, 11 Nays)
SB 416 (31 Yeas, 0 Nays)
SB 527 (29 Yeas, 1 Nay)
SB 533 (30 Yeas, 0 Nays)

SB 634	(30 Yeas, 0 Nays)
SB 801	(26 Yeas, 4 Nays)
SB 894	(29 Yeas, 1 Nay)
SB 999	(30 Yeas, 0 Nays)
SB 1001	(30 Yeas, 0 Nays)
SB 1172	(28 Yeas, 2 Nays)
SB 1248	(30 Yeas, 0 Nays)
SB 1329	(30 Yeas, 0 Nays)
SB 1462	(26 Yeas, 4 Nays)
SB 1633	(29 Yeas, 1 Nay)
SB 1831	(29 Yeas, 1 Nay)
SB 1839	(29 Yeas, 1 Nay)
SB 1987	(30 Yeas, 0 Nays)
SB 2227	(26 Yeas, 4 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 150	(31 Yeas, 0 Nays)
HB 557	(31 Yeas, 0 Nays)
HB 1036	(25 Yeas, 6 Nays)
HB 1290	(23 Yeas, 8 Nays)
HB 1424	(31 Yeas, 0 Nays)
HB 1886	(30 Yeas, 0 Nays)
HB 3083	(24 Yeas, 6 Nays)
HB 4345	(28 Yeas, 3 Nays)

SB 301	(31 Yeas, 0 Nays)
SB 302	(30 Yeas, 1 Nay)
SB 303	(30 Yeas, 1 Nay)
SB 319	(31 Yeas, 0 Nays)
SB 463	(29 Yeas, 2 Nays)
SB 1625	(31 Yeas, 0 Nays)
SB 2014	(31 Yeas, 0 Nays)
SB 2244	(31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2442	(30 Yeas, 1 Nay)
HB 2445	(25 Yeas, 5 Nays, 1 Present, not voting)
HB 2937	(24 Yeas, 7 Nays)
HB 3526	(28 Yeas, 0 Nays)
SB 11	(31 Yeas, 0 Nays)
SB 762	(27 Yeas, 4 Nays)
SB 968	(31 Yeas, 0 Nays)
SB 1148	(30 Yeas, 1 Nay)
SB 1450	(30 Yeas, 1 Nay)
SB 1511	(31 Yeas, 0 Nays)
SB 1553	(27 Yeas, 4 Nays)
SB 1784	(30 Yeas, 1 Nay)
SB 1913	(26 Yeas, 5 Nays)
SB 2118	(28 Yeas, 3 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 129 Bailes SPONSOR: Miles
Expressing support for the creation of the Sam Houston Republic of Texas
Presidential Library at Sam Houston State University.

HCR 140 Hunter SPONSOR: Hinojosa
Requesting the lieutenant governor and the speaker of the house of
representatives to provide for a joint interim legislative study regarding the
confidentiality of emergency calls.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO
THE FOLLOWING MEASURES:

SB 491 (30 Yeas, 1 Nay)
SB 1404 (29 Yeas, 2 Nays)
SB 1663 (31 Yeas, 0 Nays)
SB 1782 (28 Yeas, 3 Nays)
SB 1932 (31 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 5 (31 Yeas, 0 Nays)
HB 22 (31 Yeas, 0 Nays)
HB 1003 (31 Yeas, 0 Nays)
HB 1549 (31 Yeas, 0 Nays)
HB 1643 (26 Yeas, 5 Nays)
HB 2950 (31 Yeas, 0 Nays)
SB 27 (31 Yeas, 0 Nays)
SB 578 (31 Yeas, 0 Nays)

SB 2065

(30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 146 Smithee
Instructing the enrolling clerk of the house to make corrections in H.B. No. 1691.

HCR 153 Goldman SPONSOR: Seliger
Instructing the enrolling clerk of the house to make corrections in H.B. No. 3287.

HCR 157 King, Ken SPONSOR: Taylor, Larry
Instructing the enrolling clerk of the house to make corrections in H.B. No. 2442.

HCR 158 Wray SPONSOR: Rodríguez
Instructing the enrolling clerk of the house to make corrections in H.B. No. 2271.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 7

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1278 Dutton SPONSOR: Miles

Relating to availability of personal information of certain current and former prosecutors.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 1731 (28 Yeas, 3 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 28, 2017 - 8

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 57 Hinojosa SPONSOR: Smithee
Requesting the creation of a joint interim committee to study state judicial salaries.

SCR 58 Nichols SPONSOR: Gonzales,
Larry
Instructing the enrolling clerk of the senate to make corrections in S.B. No. 312.

SCR 59 Kolkhorst SPONSOR: King, Ken
Instructing the enrolling clerk of the senate to make corrections in S.B. No. 1566.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 27

State Affairs - **HCR 125**

ENROLLED

May 27 - HB 2, HB 4, HB 13, HB 61, HB 91, HB 104, HB 210, HB 214, HB 240, HB 281, HB 284, HB 297, HB 298, HB 332, HB 338, HB 351, HB 357, HB 441, HB 451, HB 462, HB 478, HB 674, HB 822, HB 865, HB 919, HB 1066, HB 1111, HB 1166, HB 1208, HB 1238, HB 1342, HB 1426, HB 1470, HB 1480, HB 1481, HB 1503, HB 1543, HB 1556, HB 1593, HB 1657, HB 1698, HB 1716, HB 1727, HB 1730, HB 1735, HB 1764, HB 1905, HB 1935, HB 1989, HB 1990, HB 2009, HB 2039, HB 2082, HB 2111, HB 2182, HB 2214, HB 2275, HB 2306, HB 2319, HB 2323, HB 2339, HB 2386, HB 2410, HB 2443, HB 2463, HB 2466, HB 2486, HB 2529, HB 2542, HB 2546, HB 2557, HB 2619, HB 2646, HB 2662, HB 2663, HB 2675, HB 2687, HB 2725, HB 2729, HB 2738, HB 2739, HB 2765, HB 2776, HB 2790, HB 2792, HB 2803, HB 2804, HB 2812, HB 2818, HB 2819, HB 2837, HB 2856, HB 2880, HB 2881, HB 2886, HB 2888, HB 2904, HB 2931, HB 2938, HB 2949, HB 2985, HB 2987, HB 3003, HB 3025, HB 3045, HB 3069, HB 3075, HB 3087, HB 3103, HB 3136, HB 3147, HB 3223, HB 3243, HB 3254, HB 3272, HB 3281, HB 3296, HB 3567, HB 3576, HB 3593, HB 3632, HB 3654, HB 3726, HB 3727, HB 3781, HB 3783, HB 3872, HB 3934, HB 3964, HB 3992, HB 4007, HB 4034, HB 4104, HB 4114, HB 4270, HB 4272, HB 4275, HB 4277, HB 4280, HB 4281, HB 4283, HB 4285, HB 4287, HB 4289, HB 4291, HB 4292, HB 4297, HB 4298, HB 4301, HB 4309, HB 4310, HB 4311, HB 4312, HB 4313, HB 4314, HB 4315, HB 4320, HB 4321, HB 4324, HB 4331, HCR 27, HCR 49, HCR 70, HCR 72, HCR 83, HCR 86, HCR 102, HCR 130, HCR 132, HCR 138, HCR 145

SENT TO THE GOVERNOR

May 27 - HB 108, HB 136, HB 590, HB 658, HB 912, HB 928, HB 1170, HB 1207, HB 1284, HB 1296, HB 1486, HB 1542, HB 1545, HB 1608, HB 1631, HB 1661, HB 1814, HB 1884, HB 1934, HB 1948, HB 1978, HB 2004, HB 2010, HB 2121, HB 2533, HB 2537, HB 2671, HB 2774, HB 2825, HB 2848, HB 3016, HB 3021, HB 3198, HB 3294, HB 3521, HB 3647, HB 3976, HB 4042, HCR 59

SENT TO THE COMPTROLLER

May 27 - HB 3765

SIGNED BY THE GOVERNOR

May 27 - HCR 136